

# Englewood Police Department

Englewood PD Policy Manual

---

## **CHIEF'S PREFACE**

I am committed to building and maintaining partnerships with the citizens and businesses in our community. We will work together on problem-solving strategies that address public safety, quality-of-life issues, and crime prevention. We will continue to be responsive by providing quality law-enforcement services that meet the needs of the Englewood community.

I also believe in fostering a quality organization by providing the men and women of the department with the necessary training, equipment, and career development so that they may each achieve personal and professional excellence.

Together, in partnership with the community, we will continue to make the City of Englewood a great place to live, visit, and do business.

Sam Watson

Chief of Police

# Englewood Police Department

Englewood PD Policy Manual

---

## **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

# Englewood Police Department

Englewood PD Policy Manual

---

## **MISSION AND VISION STATEMENTS**

### Mission Statement:

To promote and ensure a high quality of life, economic vitality, and a uniquely desirable community identity.

### Vision Statement:

To promote and ensure a high quality of life and a uniquely desirable community identity by providing professional law enforcement services, developing strong collaborative problem-solving strategies with the community and by treating everyone with fairness, dignity and respect.

### Organizational Values:

- Integrity
- Trust
- Respect
- Excellence
- Accountability
- Teamwork

# Englewood Police Department

Englewood PD Policy Manual

---

## Table of Contents

<b>CHIEF'S PREFACE . . . . .</b>	<b>1</b>
<b>Law Enforcement Code of Ethics . . . . .</b>	<b>2</b>
<b>MISSION and VISION STATEMENTS . . . . .</b>	<b>3</b>
<b>Chapter 1 - Law Enforcement Role and Authority . . . . .</b>	<b>8</b>
100 - Law Enforcement Authority . . . . .	9
101 - Chief Executive Officer . . . . .	11
101 - Oath of Office . . . . .	12
102 - Policy Manual . . . . .	13
<b>Chapter 2 - Organization and Administration . . . . .</b>	<b>16</b>
200 - Organizational Structure and Responsibility . . . . .	17
201 - General Order and Special Orders . . . . .	20
202 - Emergency Management Plan . . . . .	22
203 - Special Events . . . . .	24
204 - Training . . . . .	25
205 - Electronic Mail . . . . .	30
206 - Administrative Communications . . . . .	32
207 - Supervision Staffing Levels . . . . .	33
208 - Concealed Handgun Permit . . . . .	34
209 - Retiree Concealed Firearms . . . . .	35
<b>Chapter 3 - General Operations . . . . .</b>	<b>37</b>
300 - Use of Force . . . . .	38
301 - Use of Force Review Boards . . . . .	47
302 - Handcuffing and Restraints . . . . .	49
303 - Control Devices and Techniques . . . . .	54
304 - Conducted Energy Device . . . . .	59
305 - Officer-Involved Shootings and Deaths . . . . .	66
306 - Firearms . . . . .	74
307 - Vehicle Pursuit Policy . . . . .	85
308 - Officer Response to Calls . . . . .	98
309 - Domestic Violence . . . . .	102
310 - Search and Seizure . . . . .	108
311 - Temporary Custody of Juveniles . . . . .	110
312 - Adult Abuse . . . . .	120
313 - Discriminatory Harassment . . . . .	126
314 - Child Abuse . . . . .	131
315 - Missing Persons . . . . .	138
316 - Public Alerts . . . . .	144
317 - Victim and Witness Assistance . . . . .	149
318 - Bias-Motivated Crimes . . . . .	153

# Englewood Police Department

## Englewood PD Policy Manual

---

319 - Standards of Conduct . . . . .	156
320 - Information Technology Use . . . . .	167
321 - Official Use of Social Media . . . . .	171
322 - Report Preparation . . . . .	173
323 - Media Relations . . . . .	177
324 - Subpoenas and Court Appearances . . . . .	181
325 - Registered Offender Information . . . . .	183
326 - Mutual Aid and Outside Agency Assistance . . . . .	187
327 - Major Incident Notification . . . . .	189
328 - Stationary Vehicle Mobilization Maneuver (Vehicle Pinning) . . . . .	191
329 - Death Investigation . . . . .	192
330 - Identity Theft . . . . .	195
331 - C.I.T. Co-Responders . . . . .	197
332 - Private Persons Arrests . . . . .	199
333 - Limited English Proficiency Services . . . . .	203
335 - Communications with Persons with Disabilities . . . . .	210
338 - Pupil Arrest Reporting . . . . .	216
339 - Biological Samples . . . . .	217
340 - Crisis Call Diversion . . . . .	219
341 - Child and Dependent Adult Safety . . . . .	222
342 - Service Animals . . . . .	226
343 - Off-Duty Law Enforcement Actions . . . . .	228
344 - Chaplains . . . . .	231
345 - Department Use of Social Media . . . . .	236
346 - Extreme Risk Protection Orders . . . . .	239
347 - Body Worn Cameras . . . . .	243
348 - Community Relations/Crime Prevention . . . . .	251
<b>Chapter 4 - Patrol Operations . . . . .</b>	<b>255</b>
400 - Patrol Function . . . . .	256
401 - Bias-Based Policing . . . . .	259
402 - Roll Call . . . . .	262
403 - Crime and Disaster Scene Integrity . . . . .	263
404 - Englewood Tactical Team . . . . .	265
405 - CANINE POLICE USE . . . . .	275
406 - Ride-Alongs . . . . .	276
407 - Hazardous Material Response . . . . .	280
408 - Hostage and Barricade Incidents . . . . .	284
409 - Response to Bomb Calls . . . . .	289
410 - Civil Commitments . . . . .	294
411 - Summons Releases . . . . .	298
412 - Foreign Diplomatic and Consular Representatives . . . . .	301
413 - Rapid Response and Deployment . . . . .	305
415 - Immigration Violations . . . . .	309
417 - Patrol Rifles . . . . .	313
418 - Field Training Officer Program . . . . .	315
421 - Contacts and Temporary Detentions . . . . .	318

# Englewood Police Department

## Englewood PD Policy Manual

---

422 - Criminal Street Gangs . . . . .	322
424 - Patrol Supervisors . . . . .	326
427 - Mobile Data Terminal Use . . . . .	327
428 - Portable Fingerprint Scanner . . . . .	330
429 - Portable Audio/Video Recorders . . . . .	332
431 - Medical Marijuana . . . . .	336
433 - Bicycle Patrol Unit . . . . .	342
435 - Foot Pursuit Policy . . . . .	343
437 - Automated License Plate Readers (ALPR) . . . . .	348
440 - Mobile Response Unit . . . . .	350
441 - Homeless Persons . . . . .	353
442 - Public Recording of Law Enforcement Activity . . . . .	356
443 - Suspicious Activity Reporting . . . . .	359
444 - Crisis Intervention Incidents . . . . .	361
445 - First Amendment Assemblies . . . . .	366
446 - Civil Disputes . . . . .	372
447 - Medical Aid and Response . . . . .	375
<b>Chapter 5 - Traffic Operations . . . . .</b>	<b>380</b>
500 - Traffic Function and Responsibility . . . . .	381
502 - Traffic Accident Response and Reporting . . . . .	384
507 - Vehicle Towing and Release Policy . . . . .	388
510 - Impaired Driving . . . . .	394
512 - Traffic Citations . . . . .	400
515 - Disabled Vehicles . . . . .	402
<b>Chapter 6 - Investigation Operations . . . . .</b>	<b>403</b>
600 - Investigation and Prosecution . . . . .	404
601 - Surveillance and Undercover Operations . . . . .	408
602 - Sexual Assault Investigations . . . . .	409
608 - Informants . . . . .	414
610 - Eyewitness Identification . . . . .	420
612 - Brady Material Disclosure . . . . .	425
613 - Operations Planning and Deconfliction . . . . .	428
614 - Warrant Service . . . . .	434
615 - Asset Forfeiture . . . . .	439
<b>Chapter 7 - Equipment . . . . .</b>	<b>445</b>
700 - Department-Owned and Personal Property . . . . .	446
702 - Personal Communication Devices . . . . .	453
703 - Hair and Mustaches . . . . .	457
704 - Vehicle Maintenance . . . . .	458
706 - Vehicle Use . . . . .	460
710 - Cash Handling, Security and Management . . . . .	465
<b>Chapter 8 - Support Services . . . . .</b>	<b>467</b>
800 - Crime Analysis . . . . .	468

# Englewood Police Department

## Englewood PD Policy Manual

---

801 - Crime Prevention . . . . .	469
802 - Communication Operations . . . . .	470
804 - Property and Evidence . . . . .	472
806 - Records Bureau Procedures . . . . .	483
810 - Records Maintenance and Release . . . . .	486
812 - Protected Information . . . . .	492
814 - Computers and Digital Evidence . . . . .	496
820 - Animal Control . . . . .	500
<b>Chapter 9 - Custody . . . . .</b>	<b>505</b>
900 - Temporary Custody of Adults . . . . .	506
902 - Custodial Searches . . . . .	517
904 - Prison Rape Elimination . . . . .	522
<b>Chapter 10 - Personnel . . . . .</b>	<b>528</b>
1000 - Recruitment and Selection . . . . .	529
1002 - Evaluation of Employees . . . . .	534
1003 - Peer Support Advisor Team . . . . .	543
1004 - Promotional and Transfer Policy . . . . .	547
1005 - Grievance Procedure . . . . .	551
1006 - Anti-Retaliation . . . . .	552
1007 - Reporting of Employee Convictions . . . . .	555
1008 - Drug- and Alcohol-Free Workplace . . . . .	557
1009 - Tattoos and Body Piercings . . . . .	560
1010 - Sick Leave . . . . .	561
1011 - Communicable Diseases . . . . .	563
1012 - Smoking and Tobacco Use . . . . .	568
1014 - Personnel Complaints . . . . .	569
1016 - Seat Belts . . . . .	580
1017 - Body Armor . . . . .	582
1018 - Personnel Records . . . . .	584
1019 - Commendations and Awards . . . . .	590
1020 - Fitness for Duty . . . . .	592
1022 - Meal Periods and Breaks . . . . .	595
1023 - Payroll Records . . . . .	596
1025 - Overtime Payment Requests . . . . .	597
1027 - Outside Employment . . . . .	599
1029 - Occupational Disease and Work-Related Injury and Death Reporting . . . . .	602
1031 - Personal Appearance Standards . . . . .	604
1033 - Police Uniform Regulations . . . . .	606
1036 - Nepotism and Employment Conflicts . . . . .	612
1037 - Department Badges . . . . .	615
1039 - Temporary Modified-Duty Assignments . . . . .	617
1042 - Employee Speech, Expression and Social Networking . . . . .	621
<b>Attachments . . . . .</b>	

## **Chapter 1 - Law Enforcement Role and Authority**



## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

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

### 100.2 PEACE OFFICER AUTHORITY

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

#### 100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ENGLEWOOD POLICE DEPARTMENT

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

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

#### 100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ENGLEWOOD POLICE DEPARTMENT

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

- (a) When a felony or misdemeanor is committed in the officer's presence in another jurisdiction in the state of Colorado, the local law enforcement agency is notified of the arrest and the arrestee is transferred to that agency (CRS § 16-3-110).
- (b) When the officer is in fresh pursuit from within the jurisdiction of the Englewood Police Department and any of the following conditions exist (CRS § 16-3-106):
  - 1. An arrest warrant has been issued for the person or the officer knows that such warrant has been issued for the person.
  - 2. An offense was committed in the officer's presence.
  - 3. The officer has probable cause to believe that the person committed an offense.
- (c) When officers are accompanied by law enforcement officers who have the authority to make an arrest in that jurisdiction, are present at the scene of the arrest and participate in the arrest process (CRS § 16-3-202).
- (d) When another agency has requested temporary assistance during a state of emergency (CRS § 29-5-104).

# Englewood Police Department

Englewood PD Policy Manual

## *Law Enforcement Authority*

---

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

### **100.3 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended within other states:

- (a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state (CRS § 24-60-101; CRS § 29-1-206).
- (b) When an officer enters Arizona, Nebraska, New Mexico, Oklahoma or Utah in fresh pursuit of a felony subject (ARS § 13-3832; Neb. Rev. Stat. § 29-416; NMSA § 31-2-1 (New Mexico); 22 O.S. § 221; Utah Code 77-9-1).
- (c) When an officer enters Kansas in fresh pursuit of a subject who committed any offense (K.S.A. § 22-2404).
- (d) When an interstate compact exists with the state of Wyoming that permits an officer to pursue and arrest an offender who has fled Colorado (Wyo. Stat. § 7-3-103).

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

### **100.4 CONSTITUTIONAL REQUIREMENTS**

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

### **100.5 POLICY**

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

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

## Chief Executive Officer

### 101.1 PURPOSE AND SCOPE

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

#### 101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

## Oath of Office

### 101.1 PURPOSE AND SCOPE

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

### 101.2 POLICY

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

### 101.3 OATH OF OFFICE

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

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

### 101.4 MAINTENANCE OF RECORDS

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

---

# Policy Manual

## 102.1 PURPOSE AND SCOPE

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

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

## 102.2 POLICY

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

### 102.2.1 DISCLAIMER

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

## 102.3 AUTHORITY

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

## 102.4 DEFINITIONS

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

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

**CCR** - Code of Colorado Regulations.

# Englewood Police Department

Englewood PD Policy Manual

## *Policy Manual*

---

**CFR** - Code of Federal Regulations.

**City** - The City of Englewood.

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

**Department/EPD** - The Englewood Police Department.

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

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

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

**Manual** - The Englewood Police Department Policy Manual.

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

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

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

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

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

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

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

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

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

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

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

# Englewood Police Department

Englewood PD Policy Manual

## *Policy Manual*

---

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

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

**USC** - United States Code.

### **102.5 ISSUING THE POLICY MANUAL**

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

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

### **102.6 PERIODIC REVIEW OF THE POLICY MANUAL**

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

### **102.7 REVISIONS TO POLICIES**

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

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

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

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

## **Chapter 2 - Organization and Administration**



## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Englewood Police Department with the assistance of the Deputy Chief of Police. There are three divisions in the Police Department:

- Patrol Operations
- Special Operations and Codes
- Support Services

#### 200.2.1 ADMINISTRATIVE STAFF

The Englewood Police Department's administrative staff is responsible for the direction, control, and coordination of personnel and material resources of the department, as well as for developing, presenting, and justifying budget estimates for department operation. The administrative staff includes the Deputy Chief of Police, Patrol Operations Division Chief, Special Operations and Codes Division Chief, and the Support Services Division Chief all acting under the supervision of the Chief of Police. The agency's organizational structure is depicted graphically on an organizational chart that is reviewed and updated as needed, but at least annually. It is accessible to all personnel electronically on the city's computer system.

#### 200.2.2 PATROL OPERATIONS DIVISION

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

#### 200.2.3 SPECIAL OPERATIONS AND CODES DIVISION

The Special Operations and Codes Division is commanded by the assigned Division Chief, whose primary responsibility is to provide general management, direction and control for the Special Operations and Codes Division. The Special Operations and Codes Division consists of the Criminal Investigations Bureau, Impact Team, Traffic Unit, Professional Standards Unit, Property and Evidence Section, and the School Resource Officer.

#### 200.2.4 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by the assigned Division Chief, whose primary responsibility is to provide general management, directions and control for the Support Services Division. The Support Services Division consists of the Communications section, Records section, Emergency Management, and the Civilian Police Desk Officer.

# Englewood Police Department

Englewood PD Policy Manual

## *Organizational Structure and Responsibility*

---

### **200.3 COMMAND PROTOCOL**

#### **200.3.1 SUCCESSION OF COMMAND**

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the Deputy Chief to act in the place of the Chief of Police. During the planned absence of the Chief of Police or the Deputy Chief of Police, a Division Chief will be designated.

- (a)
- (b)
- (c)
- (d)

#### **200.3.2 UNITY OF COMMAND**

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

#### **200.3.3 ORDERS**

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

#### **200.3.4 UNLAWFUL AND CONFLICTING ORDERS**

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

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

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

# Englewood Police Department

Englewood PD Policy Manual

## *Organizational Structure and Responsibility*

---

### 200.3.5 DELEGATION OF AUTHORITY

Each person delegated authority to act in an assignment will make the necessary arrangements needed to achieve successful results. The department will assist in the decision-making process by providing adequate training and clear direction.

### 200.3.6 INDIVIDUAL ACCOUNTABILITY

Each person delegated authority will recognize and accept the need for individual accountability for actions resulting from the delegated authority. The accountability extends to any employee delegated authority who fails to use his or her responsibility when warranted or expected. Each person delegated authority to act in an assignment will make the necessary decisions needed to achieve successful results. The department will assist in the decision making process by providing adequate training and clear direction.

## General Order and Special Orders

### 201.1 PURPOSE AND SCOPE

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

#### 201.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual, as required upon approval of the staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 11-01 signifies the first General Order for the year 2011.

#### 201.1.2 STANDARD OPERATING PROCEDURES

Standard Operating Procedures (SOPs) are operational guidelines relating to a specific topic for a given organizational component. The purpose of the Standard Operating Procedures Manual is to establish a contemporary document containing all the various SOPs. The contents of the Standard Operating Procedures Manual may expand upon topics addressed in the Police Operations Manual, but shall not conflict with any aspect or standard established therein. It shall be the responsibility of the division commanders to ensure that the entire Standard Operating Procedures Manual for each section under their command is completely reviewed no less than once annually and that any deficiencies or inaccuracies be corrected by revision and issuing replacement Standard Operating Procedures as required. Certain Standard Operating Procedures may apply to or have relevancy between departments and/or major organizational components. Standard Operating Procedures that serve more than one department or unit shall become part of each affected component's Standard Operating Procedures Manual.

#### 201.1.3 SPECIAL ORDERS

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

### 201.2 RESPONSIBILITIES

# Englewood Police Department

Englewood PD Policy Manual

## *General Order and Special Orders*

---

### 201.2.1 STAFF

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

### 201.2.2 CHIEF OF POLICE

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

### **201.3 ACCEPTANCE OF GENERAL ORDER**

All employees are required to read and obtain any necessary clarification of all General Orders. Supervisors shall make a notation in the employee's file, log, or performance journal to indicate they ha

---

# Emergency Management Plan

## 202.1 PURPOSE AND SCOPE

In compliance with the State of Colorado Emergency Operations Plan, the City has prepared or adopted an Emergency Operations Plan (CRS § 24-33.5-707). This plan provides guidance and is to be used by all work groups and employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

## 202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

### 202.2.1 RECALL OF PERSONNEL

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

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

## 202.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are available to the Chief, Deputy Chief, Division Commanders, the Patrol Supervisor's office and in the Dispatch Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the plan is implemented.

The State of Colorado Emergency Operations Plan and additional regional information can be found on the Colorado Office of Emergency Management website.

## 202.4 UPDATING THE PLAN

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

## 202.5 PLAN REVIEW

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

# Englewood Police Department

Englewood PD Policy Manual

## *Emergency Management Plan*

---

### **202.6 PLAN TRAINING**

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

### **202.7 CIVIL DISTURBANCES**

In all cases involving civil disobedience it is the policy of the Englewood Police Department to concentrate on our basic law enforcement mission of protecting life and property. This shall be done in a rapid, firm, and impartial manner, using only the minimum force necessary to accomplish the mission. When the city is confronted with a riot or impending riot, the department must establish control of the situation by reacting quickly and committing sufficient resources. Control must be established in all effected areas so that there are none into which the department cannot go. Law violators should be arrested and prosecuted. Finally, the department must remain in the affected area, with adequate personnel and equipment, and for a sufficient period of time after order is restored, to convince all concerned that additional outbreaks will not be tolerated. The department will expend whatever resources are necessary to protect the rights of any person or group to conduct a peaceful lawful demonstration within the city.

### **202.8 INCIDENT COMMAND**

The Englewood Police Department employs the National Incident Management System (NIMS) during special operations, critical incidents, and matters of civil defense and disasters.

## Special Events

### 203.1 PURPOSE AND SCOPE

This policy provides a written plan for coordinating the public safety needs of special events held within the community.

#### 203.1.1 SPECIAL EVENTS

The Englewood Police Department maintains a close working relationship with other city departments and civic organizations. The department is responsible to assist other groups with law enforcement duties at special events within the city. Requests for special events coverage are approved or disapproved by the Chief of Police or his designee. Special events are supervised by a sergeant or above. The supervisor's duties include, but are not limited to:

- a. Determining whether SWAT should be activated or placed on standby status for the event;
- b. Providing written estimates of traffic, crowd size and control, and crime problems expected for any given event;
- c. Determining logistics requirements;
- d. Providing coordination inside the department (i.e., investigations, patrol involvement) and with outside agencies.

#### 203.1.2 VIP SECURITY/PROTECTION

Requests for VIP protection assistance are approved or disapproved by the Chief of Police or his designee. VIP protection is coordinated with the VIP's staff. A plan outlining protection of the VIP's, traffic routes, coordination with VIP teams and coordination with other jurisdictions will be drafted.



---

## Training

### 204.1 PURPOSE AND SCOPE

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

#### 204.1.1 PRE-APPOINTMENT TRAINING

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

### 204.2 PHILOSOPHY

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

### 204.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of Department personnel.
- (c) Provide for continued professional development of Department personnel.
- (d) Assist in compliance with statutory requirements.

### 204.4 TRAINING PLAN

It is the responsibility of the Training Committee to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Professional Standards Sergeant shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of certified officers or hiring of civilian employees.

# Englewood Police Department

## Englewood PD Policy Manual

### *Training*

---

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

#### 204.4.1 MANDATED TRAINING

(a) Federally mandated training:

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

(b) State-mandated training :

1. DNA evidence collection (CRS § 24-31-311) (once)
2. Racial profiling (CRS § 24-31-309) (once)
3. Basic CPR/First aid
4. Eyewitness identification training (CRS § 16-1-109)
5. Annual completion of any additional training required by POST (CRS 30-10-501.6)

(c) Department-mandated training (to include recertifications):

1. Emergency Operations Plan (supervisors, every two years)
2. CPR/First aid refresher (all certified employees)(every two years)
3. Pursuit driving (all certified employees) (yearly)
4. Firearms training (all certified employees )(yearly)
5. Defensive tactics (all certified employees) (yearly)
6. (CED), impact weapon, chemical weapon or other less-lethal weapon (all certified employees) (yearly)
7. Use of force policies (all certified employees) (yearly)
8. Search, seizure and arrest (all certified employees) (yearly)
9. Ethics (all certified employees) (every three years)
10. De-escalation training (all certified employees) (yearly)
11. Goal of C.I.T. (Crisis Intervention Team) training for every sworn officers within 18 months of hire.
12. Use of body armor (all certified employees) (every two years)

#### **204.5 TRAINING COMMITTEE**

The Support Services Division Chief shall establish a Training Committee, which will serve to assist with identifying a training plan for the Department.

The Training Committee shall be comprised of at least three members, with the Professional Standards Sergeant acting as the chairperson. The Professional Standards Sergeant may remove or replace members of the committee at his/her discretion.

# Englewood Police Department

Englewood PD Policy Manual

## Training

---

The Training Committee should convene on a regular basis as determined by the Chief of Police or the authorized designee to develop a training plan for the upcoming year. The committee shall develop the training plan based on the requirements of the State of Colorado, the Department's Strategic Plan, and the Support Services Division Chief for review.

### 204.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances
  - 2. Seniority vacation
  - 3. Sick leave
  - 4. Physical limitations preventing the employee's participation
  - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
  - 2. Document his/her absence in a memorandum to his/her supervisor.
  - 3. Make arrangements through his/her supervisor and the Professional Standards Bureau Sergeant to attend the required training on an alternate date.

### 204.7 TRAINING RECORDS

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

### 204.8 FIELD TRAINING PROGRAM

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

# Englewood Police Department

## Englewood PD Policy Manual

### *Training*

---

#### 204.8.1 ROTATION OF FIELD TRAINING ASSIGNMENTS

The recruit normally is transferred to a different FTO every four weeks. The recruit completes an evaluation detailing his other experience with each FTO.

#### 204.8.2 TRAINING OF FIELD TRAINING OFFICERS

A newly selected Field Professional Standards Bureau Sergeant receives in-service training and may be sent to an FTO seminar when available. The basic criteria for the selection of FTOs are:

- a. Minimum of one year of experience (beyond recruit training) with the Police Department;
- b. Two-year commitment to the special assignment;
- c. Recommended by two Police Department supervisors;
- d. Demonstrated interest and abilities in the specific assignment; and
- e. Overall acceptable job knowledge and performance.

#### 204.8.3 GUIDELINES FOR RECRUIT EVALUATION

Recruit evaluations begin the first week of the field training program. Evaluations are completed each day noting both positive and negative aspects of the recruit's performance. An evaluation is submitted daily to the field training sergeant (who forwards them to the Patrol Operations Commander). Upon completion of field training, evaluations are conducted monthly.

Evaluations are written in compliance with program guidelines and established standards of performance in the recruit manual.

#### 204.8.4 SUPERVISION OF FIELD TRAINING OFFICERS

One sergeant is designated as the Field Training Sergeant, with responsibility for general supervision and evaluation of recruits in field training. That sergeant ensures the training and evaluation processes are complete and objective. The Field Training Sergeant coordinates and administers a recruit's involvement in the field training program to ensure that:

- a. Field training is based upon a job task analysis of the most frequent assignment of officers completing recruit training; and that
- b. Evaluation techniques are designed to measure required skill competency, knowledge, and abilities.

#### 204.8.5 IN-SERVICE TRAINING

Each sworn police officer and sergeant is required to attend in-service training annually. Training may include, but is not limited to:

- a. New laws and court rulings;
- b. Revisions and general review of department policies and procedures;
- c. Review of the separate agency components of the local criminal justice system;

## *Training*

---

- d. The limitations of and criteria for the exercise of discretion;
- e. Review of interrogation and interview techniques;
- f. Department policy on the use of force, pursuit policy, and firearms re-qualification;
- g. Emergency medical training;
- h. Review of the performance evaluation system;
- i. Emergency fire suppression techniques;
- j. New or innovative investigative or technological techniques;
- k. Hazardous material procedures;
- l. Review of contingency plans;
- m. Crime prevention policies and procedures;
- n. Collection and presentation of evidence; and
- o. Report writing and record systems procedures.

A newly promoted police sergeant will attend a recognized supervisory school (a minimum of two weeks), approved by the Chief of Police. Supervisory personnel annually complete additional training, which may include but is not limited to:

- a. Employee evaluations;
- b. Union contract requirements;
- c. Fair Labor Standards Act;
- d. Employee motivation;
- e. Department discipline process;
- f. Employee counseling;
- g. department goals;
- h. Scheduling; and
- i. Maximum usage of police personnel.

## Electronic Mail

### 205.1 PURPOSE AND SCOPE

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

### 205.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the department networks or through a web browser accessing the department system are considered department records and therefore are the property of the Department. The Department reserves the right to access, audit and disclose for any lawful reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

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

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

### 205.3 RESTRICTIONS ON USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users. All email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should seek prior approval from the Chief of Police or a Division Chief. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

# Englewood Police Department

Englewood PD Policy Manual

## *Electronic Mail*

---

### **205.4 EMAIL RECORD MANAGEMENT**

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

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

## Administrative Communications

### 206.1 PURPOSE AND SCOPE

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

### 206.2 MEMORANDUMS

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

### 206.3 CORRESPONDENCE

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

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

### 206.4 SURVEYS

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

### 206.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee or Division Chiefs.



## Supervision Staffing Levels

### 207.1 PURPOSE AND SCOPE

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

### 207.2 MINIMUM STAFFING LEVELS

In order to ensure an adequate level of on-duty personnel the following staffing levels are established for the Patrol Bureau: Watch One -- 0630 to 1630 - Minimum staffing of four officers and one supervisor; Watch Two -- 1530 to 0130 - Minimum staffing of five officers and one supervisor; Watch Three -- 2100 to 0700 - Minimum staffing of four officers and one supervisor, (during the overlap period from 2100 to 0130 hours the minimum staffing will be six officers and one sergeant). In the event a Watch falls below this minimum staffing level for any reason the sergeant or on-duty supervisor will make whatever arrangements are necessary including the authorization of overtime to re-establish the minimum staffing requirement.

#### 207.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Patrol Division Chief, an MPO may act as the Patrol Supervisor for a limited period of time.

### 207.3 ALLOCATION OF PATROL PERSONNEL

The Englewood Police Department patrol component is staffed by personnel on 10-hour watches. This schedule allows for the assignment of a greater number of personnel during hours of increased call and officer-initiated demand, and fewer personnel during times of reduced call volume and officer-initiated demand. Staffing levels should be flexible and dependent upon special events or other specific situations but under no circumstances will the staffing levels for any watch be below four police officers and a supervisor.

The Englewood Police Department can, and does, access and evaluate the number of citizen demands for service, crimes, accidents, and officer-involved activities by day of the week, watch period, and hour of the day.

## Concealed Handgun Permit

### **208.1 PURPOSE AND SCOPE**

The Chief of Police is given the statutory authority to issue a permit to carry a concealed handgun to residents within the community. Applicants will be referred to the Arapahoe County Sheriff's Office to make their application. The Englewood Police Chief will only grant permits to retired officers in good standing from this department.

---

## Retiree Concealed Firearms

### 209.1 PURPOSE AND SCOPE

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

### 209.2 POLICY

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

### 209.3 LEOSA

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

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 209.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

#### 209.3.2 AUTHORIZATION

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

- (a) Is in possession of photographic identification that identifies him/her as having been employed as a law enforcement officer and one of the following:
  1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

# Englewood Police Department

Englewood PD Policy Manual

## *Retiree Concealed Firearms*

---

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
  - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (c) Not prohibited by federal law from receiving a firearm.
  - (d) Not in a location prohibited by Colorado law or by a private person or entity on his/her property if such prohibition is permitted by Colorado law.

### **209.4 DENIAL, SUSPENSION OR REVOCATION**

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

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

### **209.5 FIREARM QUALIFICATIONS**

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

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

### 300.2 POLICY

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

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

# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force*

---

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

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

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

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

#### **300.2.2 ADDITIONAL INTERVENTION AND REPORTING**

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

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

An officer shall intervene to prevent or stop another peace officer from using or directing the use of ketamine to effect an arrest, detention, restraint, transport, or punishment; to prevent the escape from custody; or to facilitate ease and convenience in the law enforcement encounter and report the intervention as required by CRS § 18-8-805 and 4 CCR 901-1:17.

#### **300.2.3 PERSPECTIVE**

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

### **300.3 USE OF FORCE**

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

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

# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force*

---

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

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

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

#### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

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

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

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

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.



# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force*

---

- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

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

#### 300.3.4 CAROTID CONTROL HOLD

The carotid control hold is currently not an approved compliance technique of the Englewood Police Department.

#### 300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

#### 300.3.6 PROHIBITION ON CHOKEHOLDS

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

# Englewood Police Department

Englewood PD Policy Manual

## *Use of Force*

---

### **300.4 DEADLY FORCE APPLICATIONS**

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

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

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

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

#### **300.4.1 MOVING VEHICLES**

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

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

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

#### **300.4.2 WARNING SHOTS**

Under no circumstances shall an officer discharge a warning shot. Warning shots are not allowed.

Shots shall not be fired at persons who have committed only a misdemeanor or traffic violation.

Shots shall not be fired merely to prevent the destruction or theft of property.

Shots shall not be fired to halt any person who simply runs away to avoid arrest.

# Englewood Police Department

Englewood PD Policy Manual

## *Use of Force*

---

### 300.4.3 REASONABLE BELIEF

For purposes of this section, an officer reasonably believes an person may be in imminent threat of serious bodily injury if the officer has a reasonable basis to believe there is an imminent threat of bodily injury that, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or second- or third-degree burns (CRS § 18-1-901).

### 300.4.4 CHOKEHOLDS

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

## **300.5 REPORTING THE USE OF FORCE**

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

### 300.5.1 NOTIFICATIONS TO SUPERVISORS

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Energy Device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force*

---

#### 300.5.2 REPORTING TO COLORADO DIVISION OF CRIMINAL JUSTICE

Statistical data regarding all qualifying incidents shall be reported to the Colorado Division of Criminal Justice as required by CRS § 24-31-903 (see the Records Bureau Procedures Policy). For the purposes of this section, a qualifying incident means any (CRS § 24-31-903):

- (a) Incident involving the use of force by an officer that results in death or serious bodily injury.
- (b) Incident involving the use of force by an officer that involved the use of a weapon.
- (c) Contact with the public conducted by officers, including entries into a residence.
- (d) Instance of unannounced entry into a residence.

#### 300.6 MEDICAL CONSIDERATIONS

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

#### 300.6.1 EXCITED DELIRIUM

Officers periodically come into contact with subjects exhibiting bizarre and violent behavior. This behavior can be the result of alcohol and/or drug intoxication, mental illness, uncontrolled anger, or

# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force*

---

a combination of these or other factors. However, in some cases bizarre and violent behavior may be associated with a serious medical condition called Excited Delirium. It is important for Officers to recognize that subjects suffering from Excited Delirium are persons with an acute, potentially life-threatening medical condition. Unfortunately, almost everything taught to law enforcement officers about control of subjects relies on a suspect to either be rational, appropriate, or to comply with painful stimuli. Tools and tactics available to officers such as pepper spray, impact batons, joint lock maneuvers, punches and kicks, and ECD's, especially when used for pain compliance that are traditionally effective in controlling resisting subjects, are likely to be less effective on subjects suffering from Excited Delirium.

"Excited Delirium" or "Excited Delirium Syndrome" is a condition of the brain that manifests as a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent and bizarre behavior, insensitivity to pain, elevated body temperature, and superhuman strength. Excited delirium arises most commonly in male subjects with a history of serious mental illness and/or acute or chronic drug abuse, particularly stimulant drugs such as cocaine. Alcohol withdrawal or head trauma may also contribute to the condition. Excited delirium can result in sudden death, usually via cardiac or respiratory arrest, an outcome that is sometimes associated with the use of physical control measures, including police restraint.

The Englewood Police Department provides officers with training to aid in the recognition and management of subjects suffering from Excited Delirium. When identified, Excited Delirium should be treated as a Medical Emergency. The role for law enforcement when dealing with a subject suffering from excited delirium is to contain the subject and call for EMS. The subject should be taken into custody as quickly, safely, and efficiently as possible so care of the subject can be turned over to EMS personnel when they arrive for potential sedation, treatment, and transport to definitive medical care. It is the role of EMS to recognize that this is a medical emergency and to assume responsibility for assessment and care of the patient.

Police officers are permitted to use a degree of physical force which is objectively reasonable to control and/or detain a subject who poses a threat to the officer, the public, or themselves. To the extent reasonably possible, efforts should be made to minimize the duration of the subject's resistance, and to avoid engaging in a potentially prolonged struggle. Control and restraint of the subject may be accomplished through the use of less-lethal force options, to include the use of an Electronic Control Device (TASER). If the subject is safely restrained prior to the arrival of EMS, officers should monitor the subject's breathing and note tactile temperature. The subject should be placed in a sitting position, or laying on their side. During transport, an officer will ride in the ambulance with the subject.

### **300.7 SUPERVISOR RESPONSIBILITY**

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force*

---

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review and approve all related reports.
- (f) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (g) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

#### **300.7.1 PATROL DIVISION CHIEF RESPONSIBILITY**

The Patrol Division Chief shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

#### **300.8 TRAINING**

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

## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

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

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

### 301.2 POLICY

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

### 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 301.4 EMPLOYEE INCIDENT AND RECOGNITION COMMITTEE (EIRC)

The Employee Incident and Recognition Committee (EIRC) will be convened regularly to review the use of force by a member of the department, injuries to employees, damage to property, and motor vehicle accidents.

The EIRC will also review and make recommendations as to commendations recognizing employee actions.

The Patrol Division Chief will convene the EIRC as necessary.

#### 301.4.1 COMPOSITION OF THE EMPLOYEE INCIDENT AND RECOGNITION COMMITTEE

The Patrol Division Chief will chair the Employee Incident and Recognition Committee and select members of the committee from the following, as appropriate:

- Representatives of the Englewood Police Benefit Association
- Member of Command Group
- Training Officer
- City Human Resources representative
- A peer officer

# Englewood Police Department

## Englewood PD Policy Manual

### *Use of Force Review Boards*

---

#### 301.4.2 RESPONSIBILITIES OF THE ENGLEWOOD INCIDENT AND RECOGNITION COMMITTEE

The EIRS is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

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

The EIRC does not have the authority to recommend discipline.

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

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

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

The EIRC shall make one of the following recommended findings:

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

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

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

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



## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

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

### 302.2 POLICY

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

### 302.3 USE OF RESTRAINTS

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

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

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

Arrestees will be handcuffed until brought into the controlled environment of the Englewood temporary holding facility, or other jail facility unless special circumstances exist as listed above. The on duty supervisor should be consulted prior to any transport without restraint.

#### 302.3.1 RESTRAINT OF DETAINEES

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

#### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

# Englewood Police Department

## Englewood PD Policy Manual

### *Handcuffing and Restraints*

---

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

#### **302.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless the juvenile is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure themselves, injure the officer, or damage property.

An officer working as a school resource officer or responding to a public school or school-sanctioned event shall not handcuff any juvenile unless the juvenile poses a threat to self or others or during transport after arrest (CRS § 26-20-111).

#### **302.3.4 NOTIFICATIONS**

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

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

An officer may choose not to handcuff an arrestee due to some special or unusual circumstance that, in the officer's considered opinion, warrants such a choice.

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

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

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

#### **302.4.1 TRANSPORTING PRISONERS BY OFFICERS OF THE OPPOSITE GENDER**

In all transports of a prisoner by an officer of the opposite gender, the time of departure, time of arrival, and mileage of the vehicle used will be recorded.

If there are any unusual occurrences during transport of a prisoner, or if there is reason to believe that the actions of the transporting officer may be called into question, the transporting officer will notify a supervisor immediately.

## *Handcuffing and Restraints*

---

### **302.5 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

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

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

### **302.6 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

#### **302.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

# Englewood Police Department

## Englewood PD Policy Manual

### *Handcuffing and Restraints*

---

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

#### **302.7 REQUIRED DOCUMENTATION**

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

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

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

#### **302.8 TRANSPORTING PRISONERS IN SPECIAL SITUATIONS**

The unusual circumstances surrounding such situations as transports to hospitals, detox or detention centers provide extraordinary opportunities to a prisoner for unauthorized personal contact, escape, or infliction of injury on himself or others. Therefore, an officer will accompany a prisoner transported to or from these facilities. The officer will maintain visual contact with the prisoner as much as is realistically possible, but will always maintain good security practices. An officer should evaluate a suspect's security risk based on criminal background, the nature of the offense, physical condition, and statements and actions observed. Officers may have to accompany a security risk prisoner in the ambulance during transport, or may accompany a non-security risk prisoner by following the ambulance in a separate vehicle.

A person in custody on Englewood charges, who, due to illness or injury, must be housed as an in-patient in a medical care facility, will be the responsibility of this department until he or she is appropriately transferred or released.

If it is necessary to post a guard to maintain prisoner custody and security, such arrangement will be accomplished by the on-duty supervisor in communications with command staff.

#### **302.9 VEHICLE PRE-TRIP AND POST-TRIP INSPECTIONS**

Each time an officer transports a prisoner, both a pre-trip and a post-trip inspection will be completed.

#### **302.10 TRAINING**

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

# Englewood Police Department

Englewood PD Policy Manual

## *Handcuffing and Restraints*

---

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

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

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

### 303.4 RESPONSIBILITIES

#### 303.4.1 PATROL SUPERVISOR RESPONSIBILITIES

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

#### 303.4.2 RANGEMASTER RESPONSIBILITIES

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

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

#### 303.4.3 USER RESPONSIBILITIES

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

# Englewood Police Department

Englewood PD Policy Manual

## *Control Devices and Techniques*

---

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

### **303.5 BATON GUIDELINES**

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

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

### **303.6 CS GAS GUIDELINES**

Members of the department tactical team will receive special training and qualification on specialized weapons on a semiannual basis, or more frequently, as directed. CS, Ortho-chlorobenzalmalonitrile gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Patrol Supervisor, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of CS gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

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

When practicable, emergency medical personnel should be alerted or summoned to the scene prior to the deployment of OC gas to assist in providing medical aid or gas evacuation if needed.

#### **303.7.1 OC SPRAY**

Uniformed personnel shall not carry OC spray during the course of day to day duty operations. Code Enforcement Officers are authorized to carry OC spray. Code Enforcement Officers will carry the device in its holster on the equipment belt.

# Englewood Police Department

Englewood PD Policy Manual

## *Control Devices and Techniques*

---

### 303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

### 303.8 POST-APPLICATION NOTICE

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

### 303.9 KINETIC ENERGY OR PEPPER PROJECTILE GUIDELINES

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

#### 303.9.1 DEPLOYMENT AND USE

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

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

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

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

#### 303.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.



# Englewood Police Department

Englewood PD Policy Manual

## *Control Devices and Techniques*

---

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

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

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

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

### **303.9.3 POST-DEPLOYMENT ACTIONS**

Subjects who are struck with SIMs shall be treated by Emergency Medical Services personnel as soon as possible, and, in most cases, should be transported to the nearest hospital for emergency treatment. The on-scene supervisor must complete a Use of Force report, with recommendations to the Critical Incident Review Committee. The on-scene supervisor will conduct a thorough investigation into the circumstances surrounding the firing of a SIMs weapon.

### **303.9.4 PROTEST OR DEMONSTRATION CONSIDERATIONS**

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

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

### **303.10 TRAINING FOR CONTROL DEVICES**

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

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

# Englewood Police Department

Englewood PD Policy Manual

## *Control Devices and Techniques*

---

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

### **303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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

### **303.12 ADDITIONAL CHEMICAL AGENT DEPLOYMENT CONSIDERATIONS**

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

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Devices.

### 304.2 POLICY

The CED is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING CEDS

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

Members assigned to uniform patrol functions shall carry a CED if available.

CEDs are provided for use during a member's current on duty assignment. CEDs shall be returned to designated secured storage areas when officers complete their duty assignment for a particular work period.

Officers shall only use the CED and cartridges that have been issued by the Department. Uniformed officers shall wear the CED in an approved holster.

Members carrying the CED should perform a spark test on the unit prior to every shift.

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

- (a) Officers shall carry two cartridges in the CED.
- (b) Officers shall be responsible for inspecting their CED for functionality prior to the beginning of each duty assignment.
- (c) Officers should not hold both a firearm and the CED at the same time.

### 304.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CED. The

# Englewood Police Department

Englewood PD Policy Manual

## *Conducted Energy Device*

---

aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

### **304.5 USE OF THE CED**

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

#### **304.5.1 APPLICATION OF THE CED**

The CED may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

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

#### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the CED in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain

# Englewood Police Department

## Englewood PD Policy Manual

### *Conducted Energy Device*

---

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

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

#### 304.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CED probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CED

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CED at a time against a single subject.

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CED discharges. The expended cartridge, along with both probes and wire, should be disposed of in a sharps container located in the evidence section of the police department. In special cases as directed by a supervisor the expended cartridge with both probes and wire shall be booked into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### 304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

# Englewood Police Department

Englewood PD Policy Manual

## *Conducted Energy Device*

---

### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty unless working approved police related off duty work or special assignments. Officers wishing to carry CEDs for off duty work or special assignments shall obtain the approval of the on duty patrol supervisor. The CED will be returned to the department and logged into the appropriate storage area upon completion of the off-duty work or special assignment.

### 304.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime report and the departmental use of force form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

#### 304.6.1 USE OF FORCE FORM COMPLETION

Items that shall be included in the CED , use of force report form are:

- (a) Date, time and location of the incident.
- (b) Whether any display, laser or arc deterred a subject and gained compliance.
- (c) The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (d) The range at which the CED was used.
- (e) The type of mode used (probe or drive-stun).
- (f) Location of any probe impact.
- (g) Location of contact in drive-stun mode.
- (h) Description of where missed probes went.
- (i) Whether medical care was provided to the subject.
- (j) Whether the subject sustained any injuries.
- (k) Whether any officers sustained any injuries.

The use of force forms shall be reviewed by the appropriate Division Commander and forwarded to the Chief of Police. Use of force incidents may also be referred to the EIRC committee for further review at the discretion of the Chief of Police. The CED program coordinator/administrator should also conduct audits of data downloads and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the Chief of Police.

#### 304.6.2 REPORTS

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

# Englewood Police Department

Englewood PD Policy Manual

## *Conducted Energy Device*

---

- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

### **304.7 MEDICAL TREATMENT**

Only officers certified to use CEDs should remove probes that have penetrated a subject. This removal should be done in accordance with the methods instructed by Taser International approved instructors.

Only qualified medical personnel should remove probes that are lodged in sensitive areas, such as the head, neck, groin or female breast area. Qualified medical personnel are defined as medical professionals, under the supervision of a medical doctor.

The condition of all persons who have been struck by CED probes or who have been subjected to the electric discharge of the device shall be assessed by the arresting officer. If the person reasonably appears in need of medical attention prior to booking or release such attention/screening shall be provided. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol poisoning.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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

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

# Englewood Police Department

Englewood PD Policy Manual

## *Conducted Energy Device*

---

### **304.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port by the CED program coordinator/administrator.

### **304.9 TRAINING**

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Professional Standards Bureau Sergeant. All training and proficiency for CEDs will be documented in the officer's training file.

Supervisors and investigators should receive CED training as appropriate for the investigations they conduct and review.

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

The CED program coordinator/administrator is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Professional Standards Bureau Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (f) De-escalation techniques.



# Englewood Police Department

Englewood PD Policy Manual

## *Conducted Energy Device*

---

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

## Officer-Involved Shootings and Deaths

### 305.1 PURPOSE AND SCOPE

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

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

### 305.2 POLICY

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

### 305.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.
- A criminal investigation by an outside entity; such as the 18th Judicial District Critical Response Team.

### 305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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

#### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

# Englewood Police Department

Englewood PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

### 305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

### 305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

## **305.5 INVESTIGATION PROCESS**

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

### 305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

### 305.5.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any EPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

# Englewood Police Department

Englewood PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Patrol Supervisor and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
  - (d) Take command of and secure the incident scene with additional EPD members until properly relieved by another supervisor or other assigned personnel or investigator.
  - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
    1. Each involved EPD officer should be given an administrative order not to discuss the incident with other involved officers or EPD members pending further direction from a supervisor.
    2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

### 305.5.3 PATROL SUPERVISOR RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Patrol Supervisor, or Public Information Officer.

### 305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Special Operations and Codes Division Chief
- 18th Judicial District Critical Response Team rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Bureau supervisor
- Civil liability response team
- Psychological/peer support personnel
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

### 305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

# Englewood Police Department

Englewood PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

1. Involved EPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-EPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved EPD officer. A licensed psychotherapist may also be provided to any other affected EPD members, upon request.
1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with a peer support team member will be considered privileged to the extent provided in CRS § 13-90-107.

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

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

### **305.6 CRIMINAL INVESTIGATION**

The Englewood Police Department is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

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

The following shall be considered for the involved officer:

# Englewood Police Department

## Englewood PD Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- (a) EPD supervisors and Professional Standards Bureau personnel should not participate directly in any voluntary interview of EPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigator unless the officer consents.

#### 305.6.1 REPORTS BY INVOLVED EPD OFFICERS

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

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

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

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

#### 305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.

# Englewood Police Department

Englewood PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

### **305.6.3 INVESTIGATIVE PERSONNEL**

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

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

### **305.6.4 MULTI-AGENCY INVESTIGATION**

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

### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved EPD officers to determine conformance with department policy. This investigation will be conducted under the

# Englewood Police Department

Englewood PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

supervision of the Professional Standards Bureau and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
  4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  5. The Professional Standards Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.



# Englewood Police Department

Englewood PD Policy Manual

## *Officer-Involved Shootings and Deaths*

---

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

### **305.8 CIVIL LIABILITY RESPONSE**

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

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

### **305.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available video or audio recordings prior to providing a recorded statement or completing reports.

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

Any known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or District Attorney's Office, as appropriate.

### **305.10 MEDIA RELATIONS**

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

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

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

---

## Firearms

### 306.1 PURPOSE AND SCOPE

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

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

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

#### 306.1.1 AUTHORIZATION TO CARRY FIREARMS

Only certified personnel who have met all state and Colorado Peace Officer Standards and Training (POST) requirements and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off-duty (CRS § 16-2.5-101).

#### 306.1.2 FIREARMS PROGRAM ADMINISTRATION

The Rangemaster is a Commander designated by the Chief of Police. The Rangemaster has control over all matters regarding firearms, firearms training/qualification, range usage, and ammunition acquisition. The Rangemaster may appoint a Firearms Training Coordinator to assist with administration of the firearms program. The Rangemaster appoints and oversees officers appointed as department armorers.

### 306.2 POLICY

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

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

#### 306.3.1 DUTY FIREARMS

Officers are required to carry a fully loaded, authorized firearm while on duty. The term "fully loaded" means that there will be as many rounds as can be loaded in the weapon without

# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

interfering with the reliability or functioning of the firearm, as determined by an armorer. This requirement may be waived at the discretion of command staff for special assignments.

As of January 29, 2020, this department authorizes the following types of semi-automatic firearms for primary duty use: Single action auto-loading, double action auto-loading or striker fired auto-loading pistols, with a minimum barrel length of 4" determined by the designation of the manufacturer, and chambered in .45 ACP, .40 S&W or 9mm.

The following striker fired pistols are authorized;

Any Glock pistol meeting the above criteria. Any Springfield XD or XDm pistol meeting the above criteria. Any Smith and Wesson M&P pistol meeting the above criteria, except those equipped with a magazine safety or internal lock.

The following are the single action auto-loading pistols that are authorized: Any 1911 Series 80 (firing pin block) equipped pistol including, but not limited to, Colt, Kimber, Sig Sauer, and any 1911 series pistol that meets the requirements of California Penal Code 31900 regarding "Drop Safety Requirements for Handguns.". Sig Sauer, single action pistols equipped with a firing pin safety, including but not limited to P220, P226 or P227.

The following double action pistols are authorized:

Sig Sauer model P220 or, P226 or P227.

Smaller versions of the above weapons are authorized for non-uniform assignments.

Current officers that are utilizing Para Ordinance and Beretta 92FS and 96FS pistols are allowed to continue the duty use of these weapons until such time as they qualify with another weapons system. At that time, those pistols will no longer be authorized for use.

Furthermore, the Chief of Police or his designee shall make the final determination on the approval on any duty firearm based on the above criteria.

### 306.3.2 AUTHORIZED SECONDARY FIREARMS

Officers desiring to carry a secondary firearm while on duty are subject to the following restrictions:

- (a) The firearm shall be in good working order and approved for use by the Rangemaster.
- (b) Only one secondary firearm may be carried at a time.
- (c) The purchase of the firearm shall be the responsibility of the officer.
- (d) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The firearm shall be inspected by the Firearms Training Coordinator at qualification prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

- (f) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Rangemaster shall approve the ammunition.
- (g) Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and the serviceability of the firearm.
- (h) The make, model, serial number and caliber of a second firearm will be recorded on qualification score sheets.

### 306.3.3 PATROL RIFLES

The authorized department patrol rifle is the Smith and Wesson M & P 15, the Colt AR-15 or other rifle as designated by the Chief of Police.

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

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safety (safe) position, "cruiser ready".

### 306.3.4 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Englewood Police Department identification cards under circumstances requiring possession of such identification.

### 306.3.5 LIGHT DUTY

An officer who is on Light Duty will be allowed to carry a firearm as long as it is concealed and not open to the public view. Additionally, because officers on Light Duty are not allowed to wear a uniform, it is expected that they dress in the same manner as members of the Investigation and Administrative Division.

### 306.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued and approved duty firearms at the direction of the Rangemaster. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

## 306.4 EQUIPMENT

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

### 306.4.1 REPAIRS AND MODIFICATIONS

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

# Englewood Police Department

## Englewood PD Policy Manual

### *Firearms*

---

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

Any repairs or modifications to the member's personally owned firearm shall be done by Department Armorer's. The financial responsibility will be at the Department Armorer's discretion.

#### 306.4.2 OFF-DUTY/SECONDARY WEAPONS TRAINING

Qualification courses and qualifying scores for secondary weapons and off-duty weapons will be established by the Firearms Training Coordinator and will be approved by the Rangemaster prior to implementation. Qualification courses for these weapons will be designed to demonstrate proficiency with the particular weapon being used.

#### 306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Refer to 306.4.4 Low-light sighting systems for additional requirements.

#### 306.4.4 LOW-LIGHT SIGHTING SYSTEMS

Pistol mounted lights are any authorized flashlight or laser unit designed to mount on a rail system, fit into the pistol grip, or any other internal lighting or laser system.

Laser sights and pistol-mounted flashlights for patrol use are authorized under the following conditions:

Authorized pistol mounted laser/lights are the Surefire X200, Insight M3 or M6 series, Streamlight TLR series, or any other laser/light unit that is approved by the Department Range Master. The laser / flashlight must fit into a department approved duty holster without modification.

The individual officer desiring pistol mounted laser / flashlights is responsible for all associated costs of the equipment and holster, including purchase, installation, batteries and and maintenance. In addition, before purchasing the equipment it is the responsibility of the officer to ensure that the equipment is authorized.

# Englewood Police Department

Englewood PD Policy Manual

## *Firearms*

---

Officers must pass a 2-hour training class with a Range Instructor on manipulation of the pistol mounted laser / flashlight. The officer must also qualify with their weapon (with the equipment attached) before it is used for duty.

Officers must meet the following standards before they are allowed to carry the pistol mounted laser / flashlight on duty:

The light/laser component must be as closely aligned to the sights of the weapon as possible.

Training is to be completed in low light, i.e., Highlands Ranch at or after dusk, or at an indoor range.

The installation, training, and alignment must be documented by an Armorer and Firearms Instructor, and included in the Department range files as well as in the officer's training files.

Laser grips and internal laser sights must fit on the handgun in an unobtrusive manner so that the weapon fits in the duty holster without modification or binding. These laser sights must be inspected and approved by the Range Master and Department Armorer prior to being used for duty.

The use of the pistol mounted laser / flashlight will only be in conjunction with the use of the firearm. No officer shall use the light in any manner other than as a tactical illuminator to assist in target identification and acquisition.

Officers should be aware that alternate sighting systems (including pistol mounted laser / flashlight units) are not a replacement for standard sights, and that their primary purpose is to quickly acquire a target in low light situations.

### **306.5 SAFE HANDLING, INSPECTION AND STORAGE**

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where designated by the Rangemaster.

# Englewood Police Department

## Englewood PD Policy Manual

### Firearms

---

- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing pits.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 306.5.1 INSPECTION AND STORAGE

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

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

#### 306.5.2 STORAGE AT HOME

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

#### 306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.



# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

### **306.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete mandated firearms training with their duty firearms. In addition to mandated training, all members will qualify bi-annually with their duty firearms, and rifles.. Members will qualify with off-duty and secondary firearms bi-annually. Training and qualifications must be on an approved range course. Members will receive overtime compensation for qualification attempts if the qualification attempts occurs at a time when the member would otherwise be off duty.

#### **306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

Members are required to qualify with all duty weapons during each qualification period. Members are provided two qualification attempts on each qualification date.

If the member fails to qualify during those two attempts, the member may be allowed to practice the established

If a member has not qualified within the designated six month period with all weapons, the member may be placed

the member will be provided with remedial firearms training and may continue to participate in all voluntary training

### **306.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Chief or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the on duty supervisor shall be notified immediately or as soon as practicable.

#### **306.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, CED, oleoresin capsicum (OC) spray, animal

# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### 306.7.2 INJURED ANIMALS

Officers may euthanize an animal in extreme circumstances if an Animal Control Officer is available, transportation is not practical, and a licensed veterinarian is not available.

Permission must be obtained to euthanize an animal from the on duty supervisor prior to any action being taken.

### 306.7.3 WARNING AND OTHER SHOTS

Warning shots or shots fired for the purpose of summoning aid are not allowed under any circumstance.

## 306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster or their designee. All members attending will follow the directions of the Rangemaster or designee. The Rangemaster or designee will maintain a roster of all members attending the range and will submit the roster to the Professional Standards Bureau Sergeant or designee after each range date. Failure of any member to sign in and out with the Rangemaster or designee may result in non-participation or non-qualification.

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

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

The Rangemaster or designee has the responsibility for ensuring each member meets the minimum requirements during training shoots and qualifications.

The Rangemaster or designee maintains documentation of the training and qualification courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. .

## 306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Englewood Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
- (c) The Englewood Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Englewood Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### **306.10 CARRYING FIREARMS OUT OF STATE**

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

- (a) The officer shall carry his/her Englewood Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.

# Englewood Police Department

Englewood PD Policy Manual

## Firearms

---

- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active certified officers from other states are subject to all requirements set forth in 18 USC § 926B.

### **306.11 TRAINING**

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

### **306.12 PISTOL MOUNTED RED DOT SIGHTING SYSTEMS**

The individual officer desiring a pistol mounted red dot sighting system is responsible for all associated costs of the equipment and holster, to include purchase, installation, and all maintenance. In addition, before purchasing any equipment or modifying any firearms it is the responsibility of the officer to confirm that the equipment or modification is authorized. The Rangemaster or designee will be responsible for any authorization.

The red dot sights authorized for duty use are: Trijicon RMR Type 2 adjustable 3.25 MOA; Holosun 507 or 508 2 MOA.

The only duty holster authorized is the Safariland ALS RDS holster.

The optics ready handguns approved for duty use are Glock M.O.S., Smith and Wesson C.O.R.E., or Springfield XDM O.S.P.

Direct milling – Subject to Rangemaster for approval. Contact Rangemaster for options of vetted gunsmiths.

All officers will complete an RDS (Red Dot Sight) two day transition course training and demonstrate a qualifying score on the Colorado POST firearms qualification course before the red dot sight can be carried on duty. Officers will not be able to qualify with any off duty pistol equipped with a red dot sight until they have attended and passed the RDS transition course with an on-duty RDS equipped pistol. This course will be offered on an as needed basis.

---

# Vehicle Pursuit Policy

## 307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (CRS § 42-4-108).

### 307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit. Vehicle pursuits will only be authorized in limited circumstances.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

## 307.2 DEFINITIONS

Definitions related to this policy include:

**Vehicle pursuit** - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

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

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

### **307.3 OFFICER RESPONSIBILITIES**

It is the policy of this department that a vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with a siren and horn, and at least one signal lamp mounted as high as practicable and is capable of displaying a flashing, oscillating or rotating red light visible from the front (CRS § 42-4-213).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway.

#### **307.3.1 WHEN TO INITIATE A PURSUIT**

Subject to the conditions below, Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (CRS § 42-4-107).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

- (a) The subject has caused or has attempted to cause serious bodily injury/death to any person.
- (b) The subject has committed a violent felony crime or is believed to be armed and violent.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent

# Englewood Police Department

Englewood PD Policy Manual

## Vehicle Pursuit Policy

---

circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

### 307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits

will

terminated if the pursuing officer becomes aware that the suspect displays no intention of yielding to emergency equipment.

If the pursuing officer fails to terminate an unauthorized pursuit, the patrol supervisor shall terminate the pursuit.

The officer may continue the pursuit (even though the violator displays no intention of yielding to emergency equipment) if:

- a. Has caused or has attempted to cause serious bodily injury/death to any person.
- b. Has committed or is believed to have committed a violent felony crime, or is believed to be armed and violent.
- c. If allowed to escape, presents an imminent threat to the community.

Even if the pursuit is covered under this exception, the pursuing officer must terminate any pursuit when the risk to the public outweighs the benefits.

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (CRS § 42-4-108(4)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

Officers shall not reengage or "follow" the suspect after a pursuit has been discontinued or terminated.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
- (e) The hazards to uninvolved bystanders or motorists.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

- (f) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) When directed to terminate the pursuit by a supervisor.

Once a pursuit is terminated, all units will immediately return to the city, their assigned districts, or other routine normal assignments. Situations or circumstances may exist upon termination of a pursuit **within the city limits**, that officers are able to maintain some visual contact with the suspect vehicle. Such incidents could include the need to obtain additional investigatory leads, a disabled suspect vehicle, or a suspect vehicle traveling within the speed limit. Observation/following is permitted only with the approval of the on duty supervisor, and if it can be conducted without re-engaging the suspect vehicle in a pursuit. The observation/following will only be allowed as long as the suspect vehicle and the officer(s) are obeying all traffic laws. If the suspect vehicle at any time begins to violate any traffic laws then the observation/following will immediately cease.

Dispatch must be radioed with all information regarding the observation/following. The on-duty patrol supervisor, or any other member of the Police Department command group, may order the observation/following discontinued at any time.

Once a pursuit has been discontinued or terminated any officer(s) who encounter the suspect vehicle shall not attempt to re-engage.

### 307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit (CRS § 42-4-108(2)(c)):

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

### 307.4 PURSUIT UNITS

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

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and



# Englewood Police Department

## Englewood PD Policy Manual

### *Vehicle Pursuit Policy*

---

location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

#### 307.4.1 MOTORCYCLE OFFICERS

Motorcycle officers should not engage in pursuits except in extreme circumstances. Motorcycles should be replaced with marked patrol cars with emergency overhead lighting as primary and/or secondary pursuit unit as soon as practicable.

#### 307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws .

#### 307.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify the Dispatch Center that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

### 307.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

### 307.4.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (c) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections (CRS § 42-4-108(2)(b)).
- (d) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered (CRS § 42-4-108(2)(d)):
  - 1. Requesting assistance from an available air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect.
- (e) Notifying the Colorado State Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

# Englewood Police Department

## Englewood PD Policy Manual

### *Vehicle Pursuit Policy*

---

#### 307.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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

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

#### 307.4.7 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

#### 307.4.8 USE OF TIRE DEFLATING DEVICES

Tire deflation devices are not carried in vehicles or authorized for use by the Englewood Police Department members.

#### 307.4.9 USE OF ROADBLOCKS

Because of the inherent dangers in the use of roadblocks, the Englewood Police Department shall require that roadblocks be approved by a supervisor, and used only as a last resort after considering alternatives.

Officers shall retain the authority to block streets and stop traffic at the scenes of accidents, crimes, fires, or special events as long as sufficient warning to motorists is in place.

Roadblocks for other than the situations listed above shall be approved by a watch supervisor or higher rank.

Emergency roadblocks to stop fleeing vehicles or felons shall be approved by a watch supervisor or higher rank.

Preplanned roadblocks for any purpose shall be approved by the patrol commander.

Roadblocks shall only be approved when the violator constitutes an immediate and continuing threat to the safety of others, which may result in death or serious bodily injury, and when other efforts have failed. The type of roadblock initiated shall be at the supervisor's discretion.

If a vehicle is utilized as a part of an approved roadblock, no person shall remain in or immediately behind the vehicle.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

Roadblocks for traffic checks shall be preplanned to include at least the following provisions:

sufficient visible notice to oncoming traffic;

safe parking or stopping areas; and

planned escape routes for roadblock personnel.

### **307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES**

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Dispatch Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that the proper radio channel is being used.
- (g) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (h) Controlling and managing EPD units when a pursuit enters another jurisdiction.
- (i) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

#### **307.5.1 PATROL SUPERVISOR RESPONSIBILITIES**

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

The Patrol Supervisor shall review all pertinent reports for content and forward them to the Division Division Chief.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

### **307.6 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

#### **307.6.1 THE DISPATCH CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, the Dispatch Center will be responsible for:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Upon notification of a pursuit sound the alert tone.
- (c) Notifying and coordinating with other involved or affected agencies as practicable.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Assigning an incident number and logging all pursuit activities.
- (f) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (g) Notifying the Patrol Supervisor as soon as practicable.

#### **307.6.2 LOSS OF PURSUED VEHICLE**

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

### **307.7 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

#### **307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Englewood Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Englewood Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

The role and responsibilities of officers at the termination of a pursuit that was initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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

### 307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing officers

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall notify the initiating agency of the termination of the pursuit, provide appropriate assistance to peace officers from the initiating and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

### **307.8 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing in, PIT, ramming or roadblock procedures.

#### **307.8.1 WHEN USE IS AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

The Englewood Police Department does not equip officers with tire deflation devices. Training is not provided for

#### **307.8.2 USE OF FIREARMS**

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### **307.8.3 INTERVENTION STANDARDS**

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended. The suspect is driving with willful or wanton
2. disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

- (a) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

### **307.8.4 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

### **307.9 REPORTING AND REVIEW REQUIREMENTS**

All appropriate reports shall be completed to comply with local and state regulations.

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete the appropriate use of force/pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a use of force report, briefly summarizing the pursuit to the Patrol Division Chief and Chief of Police or the authorized designee. This report should minimally contain the following information:
  1. Date and time of pursuit
  2. Length of pursuit in distance and time
  3. Involved units and officers
  4. Initial reason and circumstances surrounding the pursuit
  5. Starting and termination points
  6. Alleged offense, charges filed or disposition: arrest, citation or other release
  7. Arrestee information should be provided if applicable
  8. Injuries and/or property damage
  9. Medical treatment
  10. The outcome of the pursuit
  11. Name of supervisor handling or at the scene



# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Pursuit Policy*

---

12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted
  - (d) After receiving copies of reports, logs and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
  - (e) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

### 307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified employees will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

### 307.9.2 POLICY REVIEW

Certified members of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

## Officer Response to Calls

### 308.1 PURPOSE AND SCOPE

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

### 308.2 RESPONSE TO CALLS

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

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

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

Responding with emergency lights and siren does not relieve the an officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others (CRS § 42-4-108(4)).

The use of any other warning equipment without emergency lights and siren does not generally provide an exemption from the vehicle laws (CRS § 42-4-108(3)).

Officers should only respond to a call as an emergency response when responding to circumstances the officer reasonably believes involves the potential for immediate danger to persons or property. Examples of such circumstances may include:

- An officer who requires urgent assistance.
- A burglary in process that appears to involve a threat to any person's safety.
- A robbery in progress.
- A person brandishing a weapon.
- An apparent homicide.
- A suicide in progress.
- A fight, riot or other large disturbance involving weapons or injuries.
- An assault or other violence in progress.
- A domestic dispute where injury is reasonably believed to be imminent, or has just occurred and the suspect is present.
- A kidnapping in progress.
- A traffic collision or other event involving a serious injury or the possibility of injury that may reasonably require immediate medical aid.

# Englewood Police Department

Englewood PD Policy Manual

## *Officer Response to Calls*

---

### **308.3 REQUESTING EMERGENCY ASSISTANCE**

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

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

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

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

#### **308.3.1 NUMBER OF UNITS PARTICIPATING**

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

### **308.4 INITIATING EMERGENCY CALL RESPONSE**

If an officer believes an emergency response to any call is appropriate, the officer should immediately notify the Dispatch Center. An emergency response of more than one unit should be closely monitored and managed by the Patrol Supervisor.

The Patrol Supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

### **308.5 RESPONSIBILITIES OF THE RESPONDING OFFICER**

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

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

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights

# Englewood Police Department

Englewood PD Policy Manual

## *Officer Response to Calls*

---

and siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch Center. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

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

### **308.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS**

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

- (a) An officer is attempting to confirm his/her suspicion that a driver has violated the traffic code and there is no other reasonable suspicion or probable cause to stop the driver (CRS § 42-4-108(3)).
- (b) An emergency response requires an element of stealth that would be defeated by the use of emergency lighting or siren. This response should use a siren and emergency lights until a stealth response without lights and siren is required, and the response should then continue accordingly.

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

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

### **308.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. Patrol Supervisor The dispatcher shall:

- (a) Alert other on duty units by use of the alert tone.
- (b) Immediately notify the Patrol Supervisor.
- (c) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (d) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

# Englewood Police Department

Englewood PD Policy Manual

## *Officer Response to Calls*

---

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

### **308.7 SUPERVISORY RESPONSIBILITIES**

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

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

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

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

When making the decision to authorize an emergency response, the Patrol Supervisor or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

### **308.8 FAILURE OF EMERGENCY EQUIPMENT**

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

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

## Domestic Violence

### 309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

#### 309.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### 309.2 POLICY

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

### 309.3 OFFICER SAFETY

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

### 309.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

# Englewood Police Department

## Englewood PD Policy Manual

### *Domestic Violence*

---

- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Bureau in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

# Englewood Police Department

Englewood PD Policy Manual

## *Domestic Violence*

---

### **309.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

### **309.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

### **309.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

### **309.6 DISPATCH ASSISTANCE**

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



# Englewood Police Department

Englewood PD Policy Manual

## *Domestic Violence*

---

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

### **309.7 FOREIGN COURT ORDERS**

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

### **309.8 VERIFICATION OF COURT ORDERS**

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

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

#### **309.8.1 VERIFICATION OF TRIBAL PROTECTION ORDERS**

If any party to a domestic dispute is a member of a tribe or consider themselves a Native American person, officers should ask whether there are any protection orders from a tribal court.

Officers should take reasonable steps to verify the protection order, including calling the relevant tribe's dispatch line, and not rely solely on National Crime Information Center or other databases.

### **309.9 LEGAL MANDATES AND RELEVANT LAWS**

Colorado law provides for the following:

#### **309.9.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

# Englewood Police Department

## Englewood PD Policy Manual

### *Domestic Violence*

---

- (a) If an officer has probable cause to believe an offender has committed an offense of domestic violence, an arrest shall be made (CRS § 18-6-803.6).
- (b) An officer is not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (CRS § 18-6-803.6). If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons.
- (c) In determining whether a crime has been committed by one or more persons, the officer shall consider the following (CRS § 18-6-803.6):
  - 1. Any prior complaints of domestic violence.
  - 2. The relative severity of the injuries inflicted on each person.
  - 3. The likelihood of future injury to each person.
  - 4. The possibility that one of the persons acted in self-defense.
- (d) Unless impractical, if probable cause exists to believe an offender has violated a court order and that such offender had notice of the court order, an arrest shall be made (CRS § 18-6-803.5). If the circumstances make arrest impractical, the officer shall seek a warrant of arrest for the offender (CRS § 18-6-803.5).
- (e) If a restrained person is arrested for violating or attempting to violate any provision of a court order, the arresting officer shall make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).

#### 309.9.2 REPORTS AND RECORDS

The Records Manager will maintain records on the number of domestic violence-related calls reported to the Englewood Police Department and forward such records to the state as required (CRS § 18-6-803.9).

In the event that an individual is arrested by the Englewood Police Department for violating a court order, the Records Manager shall forward to the issuing court a copy of the arrest report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The Records Manager shall also ensure that a copy of the same information is provided to the protected party. The agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court (CRS § 18-6-803.5).

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

# Englewood Police Department

Englewood PD Policy Manual

## *Domestic Violence*

---

### 309.9.3 SERVICE OF COURT ORDERS

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

## Search and Seizure

### 310.1 PURPOSE AND SCOPE

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

### 310.2 POLICY

It is the policy of the Englewood Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

### 310.3 SEARCHES

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

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

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

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

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

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

# Englewood Police Department

Englewood PD Policy Manual

## Search and Seizure

---

### 310.4 SEARCH PROTOCOL

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

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer or a supervisor should witness the search.
  2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

### 310.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

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

## Temporary Custody of Juveniles

### 311.1 PURPOSE AND SCOPE

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

#### 311.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Juvenile offender** - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (CRS § 19-1-103(21); CRS § 19-1-103(88)). Juvenile offenders include juveniles taken into custody for possession of a handgun under CRS § 18-12-108.5 (28 CFR 31.303).

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

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

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

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

- (d) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

### **311.2 POLICY**

The Englewood Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Englewood Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### **311.3 JUVENILES WHO SHOULD NOT BE HELD**

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

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).
  - 1. If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

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

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

### **311.4 CUSTODY OF JUVENILES**

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

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

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

#### **311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

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

#### **311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

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

#### **311.4.3 CUSTODY OF JUVENILE OFFENDERS**

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

#### **311.4.4 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS**

A juvenile offender may be taken into temporary custody (CRS § 19-2.5-209):

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



# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

(b) Pursuant to a lawful warrant issued by a court pursuant to CRS § 19-2.5-204.

A juvenile offender shall not be held longer than is reasonably necessary to obtain basic identification information and to contact the juvenile's parents, guardian, or legal custodian (CRS § 19-2.5-303).

The juvenile shall be released to the care of the juvenile's parents or other responsible adult unless a determination is made in accordance with CRS § 19-2.5-303 that the juvenile poses a substantial risk of flight from prosecution or of serious harm to others.

If the juvenile is not released to the care of the juvenile's parents or other responsible adult, the juvenile shall be taken directly to the court, a detention facility, or shelter designated by the court, or a preadjudication service program without unnecessary delay (CRS § 19-2.5-303).

As an alternative to taking a juvenile offender to a detention facility or shelter, an officer may, if authorized by policy of the court, serve a written promise to appear for juvenile proceedings upon the juvenile and the juvenile's parent, guardian, or legal custodian (CRS § 19-2.5-303).

When a juvenile is not released pending charges, the officer shall:

- Notify the screening team for the judicial district in which the juvenile was taken into custody (CRS § 19-2.5-303).
- Promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and a copy of the arrest report if available (CRS § 19-2.5-305).

### 311.4.5 PETTY OFFENSE TICKETS

Offenders 10 years of age or older who have committed an offense that would be a petty offense or municipal ordinance violation if committed by an adult may be issued a petty offense ticket. The Englewood Police Department shall maintain annual data on the petty offense tickets issued, including the age, ethnicity, and gender of each juvenile ticketed and the disposition of each ticket (CRS § 19-2.5-208).

### 311.5 ADVISEMENTS

The screening team for the judicial district generally notifies the juvenile's parent, guardian, or legal custodian that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be further detained. The notification may be made to a person with whom the juvenile is residing if a parent, guardian, or legal custodian cannot be located. If the screening team is unable to make the notification, officers may make it (CRS § 19-2.5-303).

#### 311.5.1 REPORTING

The Records Manager shall ensure incidents that result in a citation, summons, arrest or custody of a juvenile that occurs on public school grounds or vehicles, or at school activities or events are reported to the Division of Criminal Justice (DCJ) as required by CRS § 22-32-146. The reports shall be in the format provided by DCJ and include:

- (a) The juvenile's full name, date of birth, race, ethnicity and gender.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

- (b) The name of the school where the incident occurred or the name of the school that either operated the vehicle or held the activity or event.
- (c) The date the juvenile was arrested, taken into custody or issued a summons or ticket.
- (d) The arrest or incident report number assigned by the Englewood Police Department.
- (e) The most serious offense for which the juvenile was arrested, issued a summons or ticket, based on the National Crime Information Center (NCIC) crime code.
- (f) The type of weapon involved, if any, for offenses classified under the NCIC incident-based reporting system as group A offenses.
- (g) The originating reporting identifier of the Englewood Police Department.

### **311.6 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Englewood Police Department.
- (c) Patrol Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Supervisor shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

### **311.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

### **311.8 TEMPORARY CUSTODY REQUIREMENTS**

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

- (a) The Patrol Supervisor is notified if it is anticipated that a juvenile may need to remain at the Englewood Police Department more than four hours. This will enable the Patrol Supervisor to ensure no juvenile is held at the Englewood Police Department more than six hours.
- (b) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (d) Personal visual checks and significant incidents/activities are noted on the log.
- (e) There is reasonable access to toilets and wash basins.
- (f) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) There is reasonable access to a drinking fountain or water.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian, and/or attorney visits.
- (j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as an adult in custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

#### **311.8.1 SOCIAL SERVICES LIST**

A list of social service agencies available to the patrol officer for cases involving juveniles is maintained in the communications center. This list will be updated periodically by the

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

Victim Witness Services Coordinator as new services for juveniles become available or are deleted.

### **311.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Englewood Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored in such a way as to protect the juvenile from abuse.

#### **311.9.1 PREGNANT JUVENILES**

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

### **311.10 PERSONAL PROPERTY**

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

### **311.11 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody. Patrol Supervisor approval is required before placing a juvenile offender in secure custody (CRS § 19-2.5-305).

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to the juvenile or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

# Englewood Police Department

## Englewood PD Policy Manual

### *Temporary Custody of Juveniles*

---

#### 311.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (c) Juveniles shall have constant auditory access to department members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by department members shall occur no less than every 15 minutes.
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to his/her well-being.
  - 3. Juveniles who are sleeping or apparently sleeping should be awakened.
  - 4. Requests or concerns of the juvenile should be logged.
- (f) Males and females shall not be placed in the same locked room.
- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **311.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

The Patrol Division Chief will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Englewood Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the on-duty supervisor, Patrol Supervisor, Chief of Police, and Special Operations and Codes Division Chief.
- (c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the District Attorney.
- (f) Notification of the Coroner.
- (g) Notification of the juvenile court.
- (h) Evidence preservation.

## *Temporary Custody of Juveniles*

---

### **311.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

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

In any case where a juvenile is taken into temporary custody, officers should not attempt to interview or interrogate an unemancipated juvenile offender or status offender unless one of the following occurs (CRS § 19-2.5-203):

- (a) A public defender or other counsel representing the juvenile is present.
- (b) A parent, guardian, or legal or physical custodian of the juvenile is present and the juvenile and the juvenile's parent, guardian, or legal or physical custodian are advised of the following:
  - 1. The juvenile's right to remain silent
  - 2. That any statements made may be used against the juvenile in a court of law
  - 3. The juvenile's right to the presence of an attorney during the interrogation
  - 4. The juvenile's right to have counsel appointed if the juvenile so requests at the time of the interrogation
- (c) The juvenile and the juvenile's parent, guardian, or legal or physical custodian have been fully advised of the juvenile's right and have expressly waived in writing the requirement that they be present during the juvenile's interrogation.

### **311.14 RESTRICTION ON FINGERPRINTING**

The following juvenile offenders may be fingerprinted:

- (a) A juvenile offender held for committing any of the following (CRS § 19-2.5-207):
  - 1. A felony
  - 2. A Class 1 misdemeanor
  - 3. A misdemeanor under CRS § 42-4-1301 (driving under the influence or while impaired)
  - 4. A crime that includes an act of domestic violence as defined in CRS § 18-6-800.3(1)
- (b) A juvenile who has not been fingerprinted prior to the juvenile's first appearance before the court and has been ordered by the court to report for fingerprinting (CRS § 19-2.5-608)

### **311.15 RELIGIOUS ACCOMMODATION**

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

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Juveniles*

---

### **311.16 TRAINING**

Department members should be trained on and familiar with this policy and any supplemental procedures.

## Adult Abuse

### 312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Englewood Police Department members as required by law.

#### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

### 312.2 POLICY

The Englewood Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

### 312.3 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, his/her guardian, or the agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, or agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

### 312.4 INTERVIEWS

#### 312.4.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

#### 312.4.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:



# Englewood Police Department

Englewood PD Policy Manual

## Adult Abuse

---

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

### **312.5 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the county department of human or social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control or have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

### **312.6 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

# Englewood Police Department

## Englewood PD Policy Manual

### *Adult Abuse*

---

- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Whether a death involved the Colorado End-of-Life Options Act (CRS § 25-48-119):
  - (a) Whether an individual knowingly or intentionally forged or altered a request for medical aid-in-dying medication to end an individual's life without the individual's authorization.
  - (b) Whether an individual knowingly or intentionally concealed or destroyed a rescission of a request for medical aid-in-dying medication.
  - (c) Whether an individual knowingly or intentionally coerced or exerted undue influence on a person with a terminal illness to request medical aid-in-dying medication or to destroy a rescission of a request for such medication.

An ombudsman should be called to the scene if the abuse occurred in a long-term care facility (CRS § 26-11.5-101 et seq.).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **312.7 MANDATORY NOTIFICATION**

Members of the Englewood Police Department should notify the county department of human or social services when the member (CRS § 26-3.1-102):

- (a) Observes the mistreatment or self-neglect of an at-risk adult.
- (b) Has reasonable cause to believe that an at-risk adult has been mistreated or is self-neglecting.
- (c) Has reasonable cause to believe that an at-risk adult is in imminent risk of mistreatment or self-neglect.

Cross reporting to social services is mandatory for at-risk adults who have an intellectual and developmental disability or are seventy years of age or older (CRS § 18-6.5-102; CRS § 18-6.5-108).

# Englewood Police Department

## Englewood PD Policy Manual

### *Adult Abuse*

---

For purposes of notification, mistreatment includes abuse, neglect, exploitation, or any act by a person with a relationship to the at-risk adult even when it does not rise to the level of abuse, caretaker neglect, or exploitation but causes harm to the health, safety, or welfare of an at-risk adult (CRS § 26-3.1-101).

Notification is not required for someone who was merely present when a qualified person self-administered a prescribed medical aid-in-dying medication (CRS § 25-48-116).

#### **312.7.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (CRS § 26-3.1-102; CRS § 18-6.5-108):

- (a) Notification should occur as soon as practicable.
- (b) Written report should be forwarded within 24 hours.
- (c) The report should contain the following, if known:
  - 1. The name, address, and age of the adult victim.
  - 2. The name and address of the adult's caretaker, if any.
  - 3. The nature and extent of any injuries.
  - 4. The nature and extent of the condition that may reasonably result in abuse.

#### **312.8 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (CRS § 26-3.1-103).

#### **312.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

##### **312.9.1 SUPERVISOR RESPONSIBILITIES**

The Criminal Investigations Bureau supervisor should:

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

# Englewood Police Department

## Englewood PD Policy Manual

### *Adult Abuse*

---

service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

#### **312.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Bureau supervisor so an interagency response can begin.

#### **312.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Colorado requires or permits the following:

##### **312.10.1 RECORDS BUREAU RESPONSIBILITIES**

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

- (a) Providing a copy of the adult abuse report to social services as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

##### **312.10.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 26-3.1-102).

#### **312.11 TRAINING**

The Department shall provide training on best practices in adult abuse investigations to members tasked with investigating these cases (CRS § 24-31-313; CRS § 26-3.1-106). The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.

# Englewood Police Department

Englewood PD Policy Manual

## *Adult Abuse*

---

- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

## Discriminatory Harassment

### 313.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 313.2 POLICY

The Englewood Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 313.3 DEFINITIONS

Definitions related to this policy include:

#### 313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

# Englewood Police Department

Englewood PD Policy Manual

## *Discriminatory Harassment*

---

### 313.3.2 RETALIATION

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

### 313.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

### 313.3.4 ADDITIONAL CONSIDERATIONS

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

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

## **313.4 RESPONSIBILITIES**

This policy applies to all department members. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Resources, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

# Englewood Police Department

## Englewood PD Policy Manual

### *Discriminatory Harassment*

---

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

#### 313.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 313.4.2 SUPERVISOR'S ROLE

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

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

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.



# Englewood Police Department

Englewood PD Policy Manual

## *Discriminatory Harassment*

---

### 313.4.3 RESPONSIBILITIES UPON RECEIPT OF COMPLAINT

Upon receipt or notification of a complaint filed with the Colorado Civil Rights Division, the Chief of Police or the authorized designee shall assign the complaint for action. The person assigned the complaint is responsible to ensure completion of the following (CRS § 24-34-301, et seq.):

- (a) Provide a written answer to the complaint within the time required after receiving it.
- (b) Supply and explain all relevant information, data, or papers upon request.
- (c) Respond to all telephone or mail inquiries from the Colorado Civil Rights Division.
- (d) Attend all meetings, hearings, or fact-finding conferences when requested.

### 313.4.4 QUESTIONS OR CLARIFICATION

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

## **313.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

### 313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

### 313.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names

# Englewood Police Department

## Englewood PD Policy Manual

### *Discriminatory Harassment*

---

of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Director of Human Resources, or the City Manager.

#### **313.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **313.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **313.7 DOCUMENTATION OF COMPLAINTS**

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

- Approved by the Chief of Police or the authorized designee, the City Manager, or the Director of Human Resources, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

#### **313.8 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

##### **313.8.1 QUESTIONS OR CLARIFICATION**

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

## Child Abuse

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Englewood Police Department members are required to notify the county department of human or social services of suspected child abuse.

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18.

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

### 314.2 POLICY

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

### 314.3 MANDATORY NOTIFICATION

Members of the Englewood Police Department shall notify the county department of human or social services when (CRS § 19-1-103; CRS § 19-3-308):

- (a) They receive a report of a known or suspected incident of interfamilial abuse or neglect.
- (b) They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.
- (c) They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.
- (d) They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

Officers shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural communities, in determining abuse. Abuse does not include a reasonable exercise of parental

# Englewood Police Department

## Englewood PD Policy Manual

### *Child Abuse*

---

discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

#### **314.3.1 NOTIFICATION PROCEDURE**

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

- (a) Notifications shall be made immediately to the county department of human or social services.
- (b) A written summary of the investigation or case report shall be forwarded without delay to the county department of human or social services upon completion of any investigation undertaken.
- (c) Notification, when possible, shall include (CRS § 19-3-307):
  1. The name, address, age, sex, and race of the child.
  2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
  3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
  4. The family composition.
  5. The source of the report and the name, address, and occupation of the person making the report.
  6. Any action taken by the reporting source.
  7. Any other information that the person making the report believes may be helpful.
  8. The military affiliation of the person suspected of committing the abuse or neglect if the person is a member of the armed forces or is a spouse, significant other, or family member residing in the home of a member of the U.S. armed forces.

An investigating officer and his/her supervisor shall notify the school district superintendent when there is a reasonable belief that an incident of abuse or neglect has been committed by a person acting in his/her official capacity as an employee of the school district (CRS § 19-3-308).

#### **314.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

# Englewood Police Department

Englewood PD Policy Manual

## *Child Abuse*

---

- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

### **314.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Unless unavailable, the county department of human or social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

This agency shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308).

When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating officer shall coordinate such investigation with any concurrent abuse investigation being conducted by the Department of Education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

## *Child Abuse*

---

### **314.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the county department of human or social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (CRS § 19-3-401):

- (a) When a court order has been issued authorizing the removal of a child.
- (b) Without a court order when the child is seriously endangered in his/her surroundings or seriously endangers others and immediate removal appears to be necessary for the child's protection or the protection of others.
  - 1. A child shall be removed from his/her home and placed in protective custody if an emergency exists because the child is seriously endangered, as described above, the safety or well-being of the child is immediately at issue, and there is no other reasonable way to protect the child without removing the child from his/her home.
- (c) Without a court order when an arrest warrant has been issued for the child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.
- (d) A seriously endangered newborn child (less than 72 hours old) may be detained in a hospital, without a warrant, by an officer upon the recommendation of the county department of human or social services, a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while an order of the court pursuant to CRS § 19-3-405(1) is being pursued. The newborn child must be released if a court order is denied.

#### **314.6.1 COURT ORDERS**

Unless already being addressed by the county department of human or social services, an officer should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the officer (CRS § 19-3-405):

# Englewood Police Department

Englewood PD Policy Manual

## *Child Abuse*

---

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

### 314.6.2 RELATED NOTIFICATIONS

If the county department of human or social services is unable to take custody of a child, officers taking a child into protective custody shall (CRS § 19-3-402):

- (a) Deliver the child, without unnecessary delay, directly to the court or to a place designated by the court.
- (b) At the earliest opportunity, notify the court that the child has been taken into protective custody.
- (c) Promptly file a brief written report with the court and any agency or person so designated by the court stating the facts that led to the child being taken into custody and the reason why the child was not released.

Whenever a child is taken into temporary protective custody, the child's parent, guardian, or legal custodian shall be notified without unnecessary delay (CRS § 19-3-402(1)). The notification shall include information regarding the right to a hearing.

### 314.6.3 SAFE HAVEN ACT PROVISIONS

A parent is not guilty of child abuse as defined in CRS § 18-6-401 if the parent surrenders his/her newborn infant (72 hours old or younger) to an on-duty firefighter or staff member at a hospital or community clinic emergency center under the safe haven provisions of CRS § 19-3-304.5. A supervisor and the county department of human or social services should be notified without delay.

## **314.7 INTERVIEWS**

### 314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### 314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:

# Englewood Police Department

Englewood PD Policy Manual

## *Child Abuse*

---

1. A reasonable belief that medical issues of the child need to be addressed immediately.
  2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

### **314.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

### **314.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

#### **314.9.1 SUPERVISOR RESPONSIBILITIES**

The Criminal Investigations Bureau Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the county department of human or social services, other law enforcement agencies, medical service providers, and local prosecutors to develop community-specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations Bureau Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.



# Englewood Police Department

Englewood PD Policy Manual

## *Child Abuse*

---

### 314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Bureau Supervisor so an interagency response can begin.

### **314.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Colorado requires or permits the following:

#### 314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 19-1-307; CRS § 24-72-304).

#### 314.10.2 CHILD FATALITY PREVENTION REVIEW TEAMS

Local review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

#### 314.10.3 PROCESSING REPORTS AND RECORDS

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

#### 314.10.4 SERVICE OF PROTECTION ORDER

Officers responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall serve the restrained person with a copy of the order (CRS § 19-1-104).

### **314.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

## Missing Persons

### 315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - Includes persons who have dementia or related disability (as defined in CRS § 25-1-502), who have a verified developmental disability, or who are 60 years of age or older and have a verified impaired mental condition, whose whereabouts are unknown, and whose disappearance poses a credible threat to the safety and health of the person (CRS § 24-33.5-415.8). This term also includes persons who:

- (a) Are 13 years of age or younger.
- (b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  1. Out of the zone of safety for his/her chronological age and developmental stage.
  2. Mentally or behaviorally disabled.
  3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  5. In a life-threatening situation.
  6. In the company of others who could endanger his/her welfare.
  7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) Are children under the legal custody of the Colorado Department of Human Services or a county department of human or social services (CRS § 19-1-115.3).

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

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

# Englewood Police Department

Englewood PD Policy Manual

## *Missing Persons*

---

### **315.2 POLICY**

The Englewood Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Englewood Police Department gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### **315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Criminal Investigations Bureau supervisor shall ensure the following forms and kits are developed and available:

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

### **315.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

Reports of missing children should be taken in person rather than over the phone whenever possible.

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

### **315.5 INITIAL INVESTIGATION**

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

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

# Englewood Police Department

## Englewood PD Policy Manual

### *Missing Persons*

---

- (d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is at risk due to age or special circumstance.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
  - 1. Immediately, when the missing person is at risk.
  - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts. Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (g) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier (CRS § 18-9-312).
  - 1. If the officer has probable cause to believe the missing person is at risk of death or serious bodily injury, a supervisor should be notified and should determine whether to order the telecommunication provider to disclose the missing person’s location information without a court order.
  - 2. The supervisor shall ensure that a court order is obtained within 48 hours of the initial request for the location information.
- (h) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **315.6 REPORT PROCEDURES AND ROUTING**

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

# Englewood Police Department

Englewood PD Policy Manual

## *Missing Persons*

---

### **315.6.1 SUPERVISOR RESPONSIBILITIES**

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

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Bureau.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - (a) If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### **315.6.2 RECORDS BUREAU RESPONSIBILITIES**

The responsibilities of the Records Bureau receiving member shall include but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Criminal Investigations Bureau.
- (e) Coordinating with the NCIC Terminal Contractor for Colorado to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### **315.7 CRIMINAL INVESTIGATIONS BUREAU FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

# Englewood Police Department

## Englewood PD Policy Manual

### *Missing Persons*

---

- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CCIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Colorado Bureau of Investigation and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **315.8 WHEN A MISSING PERSON IS FOUND**

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

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to CBI.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to CBI.

# Englewood Police Department

Englewood PD Policy Manual

## *Missing Persons*

---

- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

### **315.8.1 UNIDENTIFIED PERSONS**

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

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

### **315.9 CASE CLOSURE**

The Criminal Investigations Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Englewood or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

---

## Public Alerts

### 316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 316.3 RESPONSIBILITIES

#### 316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Englewood Police Department should notify their supervisor, Patrol Supervisor or Criminal Investigations Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the appropriate Division Chief for authorization to generate any public alert.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Chief

### 316.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert using the statewide Emergency Alert System (EAS). Utilizing local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery.



# Englewood Police Department

## Englewood PD Policy Manual

### *Public Alerts*

---

The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement (CRS § 24-33.5-415.7).

#### 316.4.1 CRITERIA

An AMBER Alert may be activated by a law enforcement agency if (CRS § 24-33.5-415.7(2)):

- (a) The child is 17 years of age or younger.
- (b) The Department determines the child has been abducted.
- (c) There is a credible threat to the safety and health of the child.
- (d) The Department has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to believe a broadcast will assist in the recovery of the child.

#### 316.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

- (a) The Public Information Officer, Patrol Supervisor or Criminal Investigations Bureau Supervisor will prepare an initial press release that includes all available information that might aid in locating the child, such as:
  - 1. The child's identity, age and description.
  - 2. Photograph if available.
  - 3. The suspect's identity, age and description, if known.
  - 4. Pertinent vehicle description.
  - 5. Details regarding time of the abduction, location of incident, direction of travel, potential destinations, if known.
  - 6. Whether there is reason to believe the suspect has a relationship to the victim.
  - 7. Name and telephone number of the Public Information Officer or other authorized individual to handle the media.
  - 8. Telephone number of the Colorado Bureau of Investigation to call for further information.
  - 9. A telephone number for the public to call with leads or information.
- (b) The Public Information Officer, Patrol Supervisor or Criminal Investigations Bureau Supervisor will notify the Colorado Bureau of Investigation. After the information is checked, an AMBER Alert will be issued and the Colorado statewide EAS will be activated.
- (c) Fax the press release to the local television and radio stations.
- (d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
  - 1. Colorado State Patrol

# Englewood Police Department

Englewood PD Policy Manual

## Public Alerts

---

2. FBI local office
  3. Prompt entry of information into the U.S. Department of Justice Missing Person System/National Crime Information Center (NCIC)
  4. National Center for Missing and Exploited Children (NCMEC) (800-843-5678)
  5. Department internet sites, communications and resources
- (e) As additional information pertinent to the case becomes available, it shall be forwarded to the Colorado Bureau of Investigation.
- (f) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and forward to the previously described locations additional information regarding the search and investigation.
- (g) Upon closure of the child abduction, because the child has been found, or the end of the notification period, the investigation unit supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7(4)).
- (h) After 24 hours the investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall assess the need to continue the AMBER Alert.

### **316.5 BLUE ALERTS**

Blue Alerts are for those instances where a person has killed or inflicted a life-threatening injury upon a peace officer. The Blue Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-416.5; 8 CCR 1507-27).

#### **316.5.1 CRITERIA**

Supervisors may request a Blue Alert when a peace officer has been killed or has received a life-threatening injury and the suspect or suspects have fled the scene of the offense (CRS § 24-33.5-416.5).

#### **316.5.2 PROCEDURE**

A supervisor, after confirming that the criteria for a Blue Alert have been met, may notify the Colorado Bureau of Investigation and request a Blue Alert broadcast.

### **316.6 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES/DEMENTIA ALERT**

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities or dementia disease, the Colorado Legislature created the Missing Senior Citizen, Missing Person with Developmental Disabilities, and Missing Person with Dementia and Related Disability Alert Program. This program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies, and the state's public and commercial television and radio broadcasters.

# Englewood Police Department

Englewood PD Policy Manual

## Public Alerts

---

### 316.6.1 CRITERIA

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

- (a) "Missing person with a dementia disease or related disability" means a person:
  - 1. Whose whereabouts is unknown.
  - 2. Who was a resident of Colorado at the time he/she was reported missing.
  - 3. Who has a dementia disease or related disability, as defined by CRS § 25-1-502.
  - 4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.
- (b) "Missing person with developmental disabilities" means a person:
  - 1. Whose whereabouts is unknown.
  - 2. Who was a resident of Colorado at the time he/she was reported missing.
  - 3. Who has a verified developmental disability.
  - 4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.
- (c) "Missing senior citizen" means a person:
  - 1. Whose whereabouts is unknown.
  - 2. Who was a resident of Colorado at the time he/she was reported missing.
  - 3. Whose age at the time he/she was first reported missing was 60 years or older and who has a verified impaired mental condition.
  - 4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

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

### 316.6.2 PROCEDURE

A supervisor, acting upon confirmation that the criteria for a Missing Senior Citizen/Missing Person with Developmental Disabilities/Missing Person with Dementia and Related Disability Alert have been met, may notify the Colorado Bureau of Investigation and request a broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

### 316.7 EMERGENCY ALERT NETWORK

The Arapahoe County E911 Authority provides a citizen alert system to each of the dispatch centers in Arapahoe

# Englewood Police Department

Englewood PD Policy Manual

## *Public Alerts*

---

### 316.7.1 CRITERIA

Supervisors may request the dispatch center to broadcast a citizen alert in the event of a safety concern, or hazard which the public should be made aware of. The supervisor should request a specific area for the alert to be broadcast rather than the entire city. The system is not to be used for weather alerts because the timeliness and accuracy of such alerts cannot be guaranteed.

### 316.7.2 PROCEDURE

The supervisor should confirm that the nature of the concern warrants a public notification prior to making a request to dispatch. Once the concern no longer exists a cancellation message shall be sent out by dispatch.

## **316.8 MEDINA ALERTS**

Medina Alerts are for those instances where a driver of a vehicle has killed or inflicted a serious bodily injury on a person in a hit-and-run accident. The Medina Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-416.7).

### 316.8.1 CRITERIA

Medina Alerts apply when (CRS § 24-33.5-416.7):

- (a) A person has been killed or suffered serious bodily injury as the result of a hit-and-run accident.
- (b) There is additional information concerning the suspect or suspect's vehicle, including one of the following:
  - 1. A complete license plate of the suspect's vehicle.
  - 2. A partial license plate of the suspect's vehicle along with the make, style and color of the suspect's vehicle.
  - 3. The identity of the suspect.

### 316.8.2 PROCEDURE

A supervisor, after confirming that the criteria for a Medina Alert have been met, may notify or request dispatch notify the Colorado Bureau of Investigation and request a Medina Alert broadcast (8 CCR 1507-33).

## Victim and Witness Assistance

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 317.2 POLICY

The Englewood Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Englewood Police Department will show compassion and understanding for victims and witnesses and will take reasonable efforts to provide the support and information identified in this policy.

### 317.3 VICTIM WITNESS SERVICES COORDINATOR

The Chief of Police may appoint a member of the Department to serve as the Victim Witness Services Coordinator. The Victim Witness Services Coordinator will be the point of contact for individuals requiring further assistance or information from the Englewood Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 317.3.1 SPECIFIC VICTIM WITNESS DUTIES

The Victim Witness Services Coordinator should:

- (a) Ensure that the Department affords victims and witnesses the rights described in CRS § 24-4.1-302.5.
- (b) Facilitate the return of property to victims (CRS § 24-4.1-303).
- (c) Ensure child victims and child witnesses are provided appropriate services commensurate with their age and needs (CRS § 24-4.1-304).
- (d) Copies of reports will be provided to victims free-of-charge. The Records Release and Security Policy in this manual regarding the release of reports shall be followed in all cases.

### 317.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

# Englewood Police Department

Englewood PD Policy Manual

## *Victim and Witness Assistance*

---

### 317.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

All reasonable attempts will be made to protect any victim or the victim's immediate family from harm, harassment, intimidation or retaliation arising from their cooperation in the reporting, investigation or prosecution of a crime. Additionally, members of this department should make reasonable efforts to minimize contact between the victim and the victim's immediate family and the defendant and the relatives of the defendant before, during and immediately after a judicial proceeding (CRS § 24-4.1-303(5)).

### 317.5 VICTIM INFORMATION

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

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault.
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; CRS § 18-3-407.5).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.
- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U Visa and T Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the officer's name, badge number, and any applicable case or incident number.
- (k) Information regarding available compensation for qualifying victims of crime (CRS § 24-4.1-101 et seq.).
- (l) How to file a claim in their judicial district through the Victim Compensation Administrator or online through the Colorado Department of Public Safety Victim Compensation Program.
- (m) Information required pursuant to the Victim Rights Act (CRS § 24-4.1-301 et seq.).
- (n) Information related to the Colorado Organization for Victim Assistance (COVA).
- (o) Information regarding the ability of a victim of domestic violence, unlawful sexual behavior, or stalking to terminate a landlord-tenant agreement pursuant to CRS § 38-12-402.

# Englewood Police Department

## Englewood PD Policy Manual

### *Victim and Witness Assistance*

---

- (p) An advisement that the victim may apply to have a substitute address designated for public records and confidential mail forwarding (CRS § 24-30-2102 et seq.).
- (q) A physical document identifying a sexual assault victim's rights to information regarding the status of forensic medical evidence submitted for testing, the right to object to destruction of the evidence, and to be informed of any change in status of the case (CRS § 24-4.1-302.5).

#### **317.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

##### **317.6.1 SPECIFIC REQUIREMENTS REGARDING WITNESSES**

Officers should provide all witnesses with the applicable witness information handouts (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

#### **317.7 WITNESS INFORMATION**

The Victim Witness Services Coordinator shall ensure that witness information handouts are available and current. These should include information specifically related to witness rights and resources (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

#### **317.8 NOTIFICATION OF NEXT OF KIN**

Notification of next of kin of deceased is the responsibility of the Arapahoe County Coroner or designee.

Nevertheless, Englewood police officers may be called upon to notify next of kin of deceased at the direction of the coroner or other agency;

or notify the next of kin of a seriously ill or injured person.

Any such local notification will be carried out in person by the assigned officer in a prompt and considerate manner. Whenever possible, assistance should be obtained from the Victim Witness Services Coordinator, department chaplain or other clergyman, relative, or close friend.

#### **317.9 NOTIFICATION OF NEXT OF KIN**

In the event of a serious illness, life-threatening injury or death, the supervisor responsible for notification of the incident should ensure the victim's next of kin is notified or coordinate such notification with the Coroner, department chaplain or another suitable person. Notification should be made in a courteous manner as soon as practicable following positive identification of the victim.

# Englewood Police Department

Englewood PD Policy Manual

## *Victim and Witness Assistance*

---

Supervisors may perform notifications at the request of other agencies for next of kin residing in the jurisdiction of the Englewood Police Department. Such notifications will be performed in accordance with the Outside Agency Assistance Policy.

The identity of any person who is seriously ill, seriously injured or deceased should not be released until notification is made to the victim's next of kin.

### **317.10 CONFIDENTIALITY**

The Englewood Police Department Victim Assistance Unit assures privacy and confidentiality in several ways. The unit operates within a Police Department and as such operates under all Criminal Justice Information System (CJIS) requirements, which are mandated by Federal law.

Each advocate, to include volunteers must sign a non-disclosure agreement, which prohibits the release of any protected information, including but not limited to, protected health information (to include mental health), victim rights mandated information, as well as any confidential information related to a criminal investigation.

All victim information and records are stored in a CJIS compliant records management system.

Unauthorized release of confidential or provided information considered a serious violation of this policy. Violations of this policy can result in disciplinary action, up to and including termination of employment or volunteer status.



## Bias-Motivated Crimes

### 318.1 PURPOSE AND SCOPE

The Englewood Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 318.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

### 318.2 DEFINITIONS

Definitions related to this policy include:

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

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

### 318.3 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about bias-motivated crime laws.

## *Bias-Motivated Crimes*

---

### **318.4 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES**

Whenever any member of this department receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a bias-motivated crime in the relevant reports. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney or District Attorney.

### **318.5 CRIMINAL INVESTIGATIONS BUREAU RESPONSIBILITIES**

If a case is assigned to the Criminal Investigations Bureau, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

# Englewood Police Department

Englewood PD Policy Manual

## *Bias-Motivated Crimes*

---

### 318.5.1 STATE BIAS-MOTIVATED CRIME REPORTING

This department shall report bias-motivated crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Manager or assigned to the Criminal Investigations Bureau.

### 318.5.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING

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

---

## Standards of Conduct

### 319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Englewood Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

#### 319.1.1 ACCESSIBILITY

This Code of Conduct is incorporated into the Department's administrative policy manual and is available to all employees electronically at employee computer workstations.

### 319.2 POLICY

The continued employment or appointment of every member of the Englewood Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 319.3 CATEGORIES OF MISCONDUCT

The categories of misconduct that are subject to corrective or disciplinary action include, but are not limited to:

1. Category A violation is the most serious. Any violation of a Category A policy may result in appropriate corrective or disciplinary action, up to and including immediate termination.
2. Category B violation is of moderate severity.
  - a. The first sustained violation for a Category B policy is a letter of Corrective Action.
  - b. The second sustained Category B violation within 12 months of the first sustained B violation is subject to no more than forty (40) hours of suspension without pay. At the Chief's discretion, this suspension may be deferred or amended for one year under such conditions as the Chief or his designee may impose.
  - c. The third offense in Category B within any 24 month period becomes a Category A violation. Additional offenses (beyond the third) in Category B within any 24 month period are treated as Category A violations.
3. Category C violation is of minor severity.
  - a. The first sustained violation for a Category C policy is a Log Entry.
  - b. The second sustained Category C violation within 12 months of the first sustained C violation is subject to a Letter of Corrective Action.

# Englewood Police Department

Englewood PD Policy Manual

## *Standards of Conduct*

---

c. The third offense in Category C within any 24 month period becomes a Category B violation. Additional offenses (beyond the third) in Category C within any 24 month period are treated as a Category B violation [or Category A violations as outlined in 319.3 (2)].

### 319.3.1 GUIDELINES FOR CORRECTIVE ACTION

The employee's supervisor has the discretion to recommend alternative corrective or disciplinary action anytime he or she feels the action called for by the applicable violation category is inappropriate. This corrective or disciplinary action may be more or less severe than the action called for by the applicable violation category. Such recommendations will be made in writing to the employee's chain of command.

An offense does not have to be a repetition of a prior offense to constitute a second or third violation in a given category. The offense in question need only be in the same category.

The documentation on all allegations of misconduct must be forwarded through the chain of command to the Professional Standards Bureau unless mandated otherwise by the Chief of Police or the Director of Human Resources.

If the Chief or his designee deems it necessary, an administrative or disciplinary action can be imposed prior to the employee's opportunity to explain or otherwise justify his conduct.

The Chief may exercise final disposition in any corrective or disciplinary matter, regardless of the violation category.

The Professional Standards Bureau may investigate any allegation of employee misconduct, regardless of the category, at the direction of the Chief.

Employees will not commit any acts or make any omissions which constitute a violation of any of the rules, policies, procedures, or other directives of the Department or the City.

### 319.3.2 CODE OF CONDUCT DETAILED

#### **Severity- Category**

#### **1. C- Knowledge of Regulations**

Employees will familiarize themselves with and understand all rules, regulations, directives, and written procedures of the Department and the City. Employees who do not understand their duties or responsibilities will read the relevant directives, rules, etc., and will consult their immediate supervisor for clarification and explanation. When dealing with a situation for which there are no regulations or established procedures, employees will consult their immediate supervisor for direction. If a supervisor gives an order, the supervisor is responsible for that order. If the employee perceives an apparent conflict between the supervisor's order and the rules, regulations, directions, or written procedures of the Department, the employee will first carry out the order and then seek clarification or confer with a higher authority.

#### **2. B- Chain of Command**

# Englewood Police Department

Englewood PD Policy Manual

## *Standards of Conduct*

---

Employees will conduct Department business through accepted channels unless written procedures or orders from proper authority dictate otherwise. This policy is not intended to interfere with the conducting of normal day-to-day business or interfere with normal business communication.

### **3. A- Insubordination**

Employees will promptly obey any lawful order or direction of a supervisor. Employees will not use profane or intentionally insulting language toward any supervisor.

### **4. A- Unsatisfactory Performance**

Employees will maintain sufficient competence to properly perform their duties and assume the responsibilities of their position. Employees will perform their duties in a manner which will maintain the highest standard of efficiency in carrying out the functions and objectives of the Police Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for an employee's rank, grade, or position; the neglect of duty; the display of cowardice; absence without leave; or the physical or mental inability to perform the essential functions of the position and required duties. Uncorrected poor evaluations and records of repeated violations of orders, rules, procedures, or other directives of the Department will also constitute unsatisfactory performance.

### **5. A- Unbecoming Conduct**

Employees will conduct themselves at all times, both on and off duty, in a manner which is in keeping with the highest standards of the law enforcement profession. Conduct unbecoming an officer will include that which brings the Department or City into disrepute, reflects unfavorably upon the officer as a member of the Department, damages or affects the reputation of any member of the Department, or impairs the operation or efficiency of the Department or any of its personnel. Employees of the Department are prohibited from engaging in any conduct which brings the Department or City into disrepute, reflects unfavorably upon the employee as a member of the Department, damages or negatively affects the reputation of any member of the Department, or impairs the operation or efficiency of the Department or any of its personnel.

### **6. C- Reporting for Duty**

Employees will report at the scheduled time for any duty assignment, including court, and training. Employees will be properly equipped and prepared to perform their duties. Employees who are unable to report to a duty assignment will notify the appropriate supervisor prior at least one hour prior to the beginning of that scheduled assignment.

### **7. A- Absence from Duty**

Employees will be considered absent without leave if they fail, within 2 hours after the beginning of their regularly scheduled tour of duty, to: 1. Report for duty; or, 2. Notify the appropriate supervisor of their inability to report for duty and be granted approved leave.

# Englewood Police Department

Englewood PD Policy Manual

## *Standards of Conduct*

---

### **8. A- False Reporting of Injury or Illness**

Employees will not feign illness or injury, falsely report themselves sick, ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health or that of their families.

### **9. C- Secondary Duty Assignments**

Employees will not be absent from secondary duty assignments such as court, and training without first obtaining permission from proper authority.

### **10. A- Neglect of Duty While on duty**

Employees will not engage in any activities or personal business which would cause them to neglect or be inattentive to their assigned responsibilities. Employees will remain awake, alert, and attentive while on duty. If unable to do so, they will so report to their supervisor, who will determine the proper course of action. A failure of the officer to take any required official action required by federal or state law, by city or county ordinance or by any directive of the Chief of Police. Employees will not leave their assigned duty assignment during a tour of duty except as authorized by proper authority. Civilian employees will take any action which is required or is responsible and appropriate in connection with their performance of their assigned duties. Failure of the officer to take appropriate action in any emergency situation or in any situation in which substantial and irreversible damage would result from the failure to take appropriate action. Employees will, whether requested or not, assist any employee involved in an emergency situation or any other situation in which additional assistance would be critical to the successful performance of a Departmental function. Officers will respond to all radio communications directed to them.

### **11. C- Employment Outside the Department**

Employees will adhere to all regulations, procedures, and other directives governing off-duty employment established by the Department.

### **12. A- Labor Activity**

Employees will not engage in any strike, work slowdown, unreasonable or selective enforcement of the law, or other concerted failure to report for duty for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

### **13. A- Political Activity**

Employees may not engage in political activity when on duty (other than voting and registering to vote in uniform), and will not engage in political activity while identifying themselves as representatives of the Department by virtue of their uniform or otherwise.

### **14. A- Conformance to Laws**

Employees will obey all laws of the United States and of any state and local jurisdiction in which they may be present, and will obey all administrative regulations enacted pursuant to local, state, or federal law. Employees will not obey any order which they know or should know requires them

# Englewood Police Department

## Englewood PD Policy Manual

### *Standards of Conduct*

---

to commit an illegal act. Any employee convicted of any crime or traffic offense (that carries with it a point assessment through the Department of Motor Vehicles) must immediately notify the Chief of Police (in writing) of the conviction. The term "conviction" includes guilty pleas and pleas of nolo contendere. Employees are required to maintain a valid Colorado driver's license. Any suspension or revocation of an employee's motor vehicle operator's license must be reported immediately to the Chief regardless of whether the suspension or revocation is the result of a conviction.

#### **15. B- Associations**

Employees will avoid associations or dealings with persons who they know, or should know, are under criminal investigation or indictment or who have a criminal record, except as necessary to the performance of official duties or where unavoidable due to family relationships.

#### **16. A - Use of Alcohol on Duty or in Uniform**

Employees shall not store or bring into any police facility or vehicle any alcoholic beverage, drug or narcotic, except those that are being held as evidence or for destruction, or used for training, or where they are specifically prescribed as part of an ongoing regimen of medical treatment. Employees will not consume intoxicating beverages within eight hours of an expectation of being in uniform or having to report for duty, or at any time while in uniform. Nor shall they be on duty while under the influence of or impaired by alcohol, drugs or narcotics, or while having an odor of an alcoholic beverage upon their breath or person, except in the performance of duty and while acting under orders. Any supervisory officer who has reason to believe that a member has violated this rule may order the employee to submit to a chemical test(s) for content. Failure to submit to the test(s) shall subject the accused employee to additional charges under this Code of Conduct.

#### **17. A- Possession and Use of Drugs**

Employees will not possess or use any controlled substances, narcotics, hallucinogens, or prescription drugs except when prescribed by a physician or dentist. When narcotics are prescribed to an employee, the employee will notify his or her supervisor prior to reporting for duty under the influence of such medication. When a medication other than a narcotic is prescribed and that medication could affect an employee's fitness for duty, the employee will notify his or her supervisor prior to reporting for duty under the influence of such medication.

**18. C- Personal Appearance** Employees on duty will wear uniforms and other clothing and equipment in accordance with established Departmental procedures. Except when acting under orders from proper authority, employees on duty will maintain a neat, well-groomed appearance and will style their hair according to Department procedures.

#### **19. C- Use of Tobacco**

Officers will abide by the Department policy, as well as the City of Englewood Smoke-Free Workplace policy (defined in Administrative Policy #22).

#### **20. A- Abuse of Position**



# Englewood Police Department

## Englewood PD Policy Manual

### *Standards of Conduct*

---

Employees will not use their official position or identification for: 1. Personal or financial gain. 2. Obtaining privileges not otherwise available to them except in the performance of their duty. Employees will not lend to another person their official identification cards or badges, or permit them to be photographed or otherwise reproduced without the prior approval of the Chief. Employees will not permit the use of their names, photographs, or official titles which identify them as police officers or as employees of the Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise without the prior approval of the Chief. Employees will take no part, either directly or indirectly, in sales promotions, solicitations, fund raising campaigns, or similar activities for personal gain or benefit of a commercial enterprise while representing themselves as police officers or as employees of the Department, or authorize others to conduct themselves in a manner as indicated above that would leave the impression they are representing the Englewood Police Department, without the prior approval of the Chief. Employees will not knowingly make false accusations or false criminal charges.

#### **21. A- Gifts and Gratuities**

Employees will not use their position to solicit any form of gift, gratuity, or service for gain. Employees will not accept from any person, business, or organization any gift if it may reasonably be inferred that the person, business, or organization:

1. Seeks to influence an official action or to affect the performance of an official function.
2. Has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official function.
3. Is providing the gift based on the employee's position, as best exemplified by the employee's wearing of a uniform or displaying of a badge or other Englewood Police Department insignia. Employees may not accept any form of reward for the performance of an official function without the prior approval of the Chief.

#### **22. A- Public Statements and Appearances**

Employees will treat the official business of the Department as confidential and will disseminate information regarding departmental operations only in accordance with established Departmental procedures. Employees will not divulge the identity of persons giving confidential information in a criminal investigation. Employees will not publicly criticize or ridicule the Department or its personnel when such statements may interfere with the maintenance of discipline or the effective operation of the Department, or when such statements are made with reckless disregard for truth.

#### **23. C- Courtesy**

Employees will be courteous and tactful in the performance of their duties or while representing themselves as members of the Department and will promptly respond to all requests for assistance in accordance with Department procedures. Employees will promptly (usually within 24 hours) return phone calls from citizens and should keep a record of unsuccessful efforts to return phone calls.

#### **24. B- Citizen Complaints**

# Englewood Police Department

Englewood PD Policy Manual

## *Standards of Conduct*

---

Employees will follow established procedures for processing complaints. Employees may attempt to amicably resolve citizen complaints, but they will not attempt to prevent any citizen from lodging a formal complaint against any individual employee or against the Department.

### **25. A- Use of Weapons**

Officers will carry and use firearms only in accordance with law and established Department procedures.

### **26. A- Use of Force**

Officers will use no more force than necessary in the performance of their duties and will then do so only in accordance with Department procedures and the law. Officers will comply with Department procedures concerning the documentation and investigation of the use of physical force.

### **27. A- Arrest, Search, and Seizure**

Officers will not make any arrest, search or seizure which they know, or should know, is not in accordance with the law and Department procedure.

### **28. A- Improper Use of Property and Evidence**

Employees will not convert to their own use, manufacture, conceal, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Department procedures. Employees will utilize departmental equipment, including any vehicle, computer, and radio only for its intended purpose in accordance with all laws and Department procedures.

29. **A-** And will not **intentionally or recklessly** damage, abuse, or lose departmental equipment.

30. **C-** And will not **carelessly or negligently** damage, abuse, or lose departmental equipment.

31. **C- Police vehicles shall not be left running while unattended.**

The only exception would be if a vehicle was being used for traffic control (i.e. an accident scene, securing a perimeter, etc.). In those situations, the kill? switch will be activated and the doors locked.

### **32. - Operation of Motor Vehicles**

**A** Employees will operate all motor vehicles in a safe and prudent manner. When responding to an emergency call, or when in pursuit of a suspected violator, employees will adhere to Department Policy and Colorado Revised Statute 42-4-108.

All employees required to drive City vehicles, or who drive their own vehicles for City business, are required to have a valid Colorado driver's license. (Any employee moving to Colorado must obtain a Colorado driver's license within the prescribed time requirements.)

**B** Motor Vehicle Accidents - The Employee Incident Review Committee will distinguish between preventable and non-preventable motor vehicle accidents. In the event that a work

# Englewood Police Department

Englewood PD Policy Manual

## *Standards of Conduct*

---

related traffic accident is determined as "Preventable" on the part of the employee, corrective/disciplinary action will be imposed in accordance with this policy.

For the purpose of this category, the time frame is 36 months for preventable on-duty motor vehicle accidents.

**A** Motor vehicle accidents involving reckless driving or gross negligence will be treated as Category **A** violations.

### **33. C- Radio Communications**

Officers will keep available radio communications equipment turned on and operating at all times while on duty, unless ordered by proper authority to do otherwise.

### **34. C- Departmental Reports**

Employees will submit all necessary reports on time and in accordance with established Department procedures. Reports submitted by employees will be accurate and complete.

### **35. A- Participation in Administrative Investigations**

All procedures carried out under this rule will be specifically directed and narrowly related to a particular internal administrative investigation being conducted by the Department. Employees who are involved in administrative investigations and who have been advised in writing (or orally, if the interview is conducted by telephone and the conversation is taped) that no statement they make can be used against them in a criminal prosecution, will truthfully answer all questions which are specifically directed and narrowly related to their job performance and/or fitness for duty. Upon the order of the Chief of Police, or his designee or a superior officer, an employee will:

1. Submit to a polygraph or CVSA examination.
2. Submit to any medical, ballistics, chemical, or other test, photographs, or line-ups required in a particular administrative investigation being conducted by the Department, and release the results of any such tests to the Department in connection with the administrative investigation.
3. Submit financial disclosure statements in accordance with Departmental procedures in connection with a complaint in which this information is material to the investigation. Financial statements are to be confidentially maintained and used by the Chief of Police and will not be made available to the public.
4. Submit medical records that are provided by the employee and/or the employee's physician, and that relate to a condition that the employee has raised as an issue, and the condition pertains to the employee's fitness for duty or job performance.

### **36. B- Legal Processes Brought By or Against Employees**

Employees will immediately report in writing directly to the Chief of Police or his designee any criminal charges, civil actions, or any court or administrative actions brought against them. Employees will notify the Chief of Police or his designee in writing before filing claims for damages

## *Standards of Conduct*

---

or entering into any legal compromise or settlement regarding events which resulted from the performance of duty.

### **37. B- Supervision**

Supervisors are charged with insuring compliance with all applicable laws, Department procedures, directives, and standard operating procedures by those employees under their supervision. Supervisors are responsible for investigating and reporting all known violations to their immediate supervisor. All Department employees, sworn or civilian, who supervise any other employees, will perform their duties completely, diligently, promptly, professionally, and satisfactorily.

### **38. A- Truthfulness**

Employees are prohibited from intentionally making any materially false statement(s) in connection with their performance of official duties (the interviewing of a suspect or witness does not constitute making a materially false statement). Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such nondisclosure is to conceal suitability or unsuitability for duty of themselves or another or to gain improper personal advantage. Any material falsification of or any intentional failure to disclose information relevant to suitability or fitness for police employment which is discovered after an individual is hired can result in the termination of that employee.

**39. A- Harassment/Discrimination** No employee will display any discourteous, offensive, or abusive conduct or language toward other employees, supervisors, or the public. This includes any discrimination or harassment based on age, race, sex, color, religion, national origin, disability or any other status protected by federal, state or local law.

#### **319.3.3 SUPERVISOR RESPONSIBILITIES**

A supervisor is responsible for enforcing all department rules and regulations pertaining to subordinates' work performance and general conduct. When appropriate, a supervisor will make every attempt to handle infractions of policy and procedure, utilizing applicable disciplinary techniques within the scope of the supervisor's authority, and recording the employee's and supervisor's actions in the employee's performance journal.

A supervisor is responsible for noting any deficiencies in performance of employees in the supervisor's command and, through assistance, advice and counseling, strives to bring employee performance to acceptable levels. A supervisor shall inform superior officers of areas of performance in which training deficiencies appear, and recommend what steps should be taken to relieve this deficiency.

All Police Department supervisors have authority to take disciplinary action in the form of training or training assignments, counseling, encouragement, chastisement, or verbal reprimand.

In more serious cases where other forms of disciplinary action would be inappropriate, supervisors may issue written warnings, letters of corrective action, deny extra-duty privileges, or recommend transfer or assignment to other groups or functions.

# Englewood Police Department

## Englewood PD Policy Manual

### *Standards of Conduct*

---

When the conduct or actions of a subordinate presents a threat to the safety of anyone, or his or her presence in the workplace may be detrimental to a criminal or internal investigation, or the subordinate's conduct is so flagrant or insubordinate as to jeopardize the discipline of the group, the supervisor may assign the subordinate to his or her residence for the remainder of a tour of duty and order the subordinate to appear before higher authority at a more appropriate time. The supervisor may also prevent an employee from working, when the employee reports unprepared for duty, and direct the employee to his or her residence or elsewhere without pay, as appropriate, until such time as the employee is fully prepared for duty.

Only the Chief of Police may impose disciplinary action that is more serious than a Letter of Corrective Action.

#### **319.4 DISCIPLINARY RECORDS**

Official records of disciplinary actions are maintained in the employee's permanent personnel file in the employee relations department, and in department employee files maintained by the administrative assistant to the Chief of Police.

#### **319.5 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

##### **319.5.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

# Englewood Police Department

Englewood PD Policy Manual

## *Standards of Conduct*

---

The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **319.5.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### **319.6 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

### **319.7 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

---

# Information Technology Use

## 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Englewood Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including "shareware." This does not include files created by the individual user.

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

## 320.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

## 320.3 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

# Englewood Police Department

## Englewood PD Policy Manual

### *Information Technology Use*

---

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

#### **320.4 RESTRICTED USE**

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

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **320.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

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

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **320.4.2 HARDWARE**

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



# Englewood Police Department

## Englewood PD Policy Manual

### *Information Technology Use*

---

investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **320.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

#### **320.4.4 OFF-DUTY USE**

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

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

#### **320.5 POLICY**

It is the policy of the Englewood Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

#### **320.6 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

# Englewood Police Department

Englewood PD Policy Manual

## *Information Technology Use*

---

## Official Use of Social Media

### 321.1 PURPOSE AND SCOPE

This policy establishes minimum procedures for the use of social media for community outreach, problem-solving, investigations, crime prevention, and related objectives by members of the Englewood Police Department.

### 321.2 APPROVAL OF USE

All agency social media usage shall be approved by the Chief of Police or his or her designee, and comply with the conditions of the City of Englewood Social Media Policies & Procedures.

Social media pages should clearly indicate they are maintained by the Englewood Police Department and shall have agency contact information prominently displayed. Social media pages should link to the City of Englewood official website.

### 321.3 SOCIAL MEDIA CONTENT

All Departmental social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

Each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.

Social media pages should state that the opinions expressed by the visitors to the page(s) do not reflect the opinions of the Englewood Police Department. The City of Englewood Comment Policy should be clearly posted and monitored by authorized content managers.

### 321.4 AGENCY PERSONNEL USE OF DEPARTMENT SOCIAL MEDIA

Once a social media application is launched, only authorized personnel (i.e. account managers who have been authorized by the Chief of Police) may post information on City of Englewood social media applications.

Englewood Police Department personnel representing the agency via social media outlets shall conduct themselves at all times as representatives of the agency and shall adhere to all agency standards of conduct and observe conventionally accepted protocols and proper decorum.

Englewood Police Department personnel representing the agency via social media outlets shall not make statements about the guilt or innocence of any suspect or arrestee, or comment concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to agency training, activities, or work-related assignments without express written permission.

Englewood Police Department personnel representing the agency via social media shall not conduct political activities or private business.

# Englewood Police Department

Englewood PD Policy Manual

## *Official Use of Social Media*

---

Englewood Police Department personnel shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

### **321.5 CIVIL LIABILITY**

Englewood Police Department personnel may be subject to civil litigation for:

- a. Publishing or posting false information that harms the reputation of another person group, or organization (defamation);
- b. Publishing or posting private facts and personal information about someone that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
- c. Using someone else's permission of an exploitive purpose, or;
- d. Publishing the creative work of another, trademarks, or certain confidential business information without permission of the owner.

## Report Preparation

### 322.1 PURPOSE AND SCOPE

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

#### 322.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees shall use appropriate grammar with the exception of quotations obtained from interviews. Employees who generate reports on computers are subject to all requirements of this policy.

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

### 322.2 REQUIRED REPORTING

Written reports are required in all of the following situations using the appropriate department-approved format unless otherwise approved by a supervisor. Reports will be submitted electronically using report forms provided in the RMS system. Handwritten reports may be completed on printed forms in the event the computer system is not functioning.

#### 322.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

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

# Englewood Police Department

Englewood PD Policy Manual

## Report Preparation

---

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Bias-Motivated Crimes Policy
6. Suspicious Activity Reporting Policy

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

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method.

### 322.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved report include:

- (a) Anytime an officer points a firearm at any person.
- (b) Any use of physical force against any person by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy) except during approved range training.
- (d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Accident Response and Reporting Policy).
- (g) When the source of concern is identified or when a significant event occurs.
- (h) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.
- (i) All protective custody detentions.
- (j) Suspicious incidents that may place the public or others at risk.
- (k) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

Officers will make contact with the reporting person unless the RP specifically asks not to be contacted, or are otherwise unavailable.

### 322.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. An officer handling a death

# Englewood Police Department

Englewood PD Policy Manual

## Report Preparation

---

investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

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

### 322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

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

### 322.2.5 MISCELLANEOUS INJURIES

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

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### 322.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle trespasses with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.

# Englewood Police Department

Englewood PD Policy Manual

## *Report Preparation*

---

- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer the victim to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

### **322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

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

### **322.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report informing the officer of the necessary corrections. The corrections should be returned to the supervisor as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner. Reports may also be rejected by Records Bureau staff and returned to officers for correction. Notification of reports rejected by Records staff shall go to the officer's supervisor as well.

### **322.5 REPORT CHANGES OR ALTERATIONS**

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



## Media Relations

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Chiefs, Patrol Supervisors and the designated Public Information Officer (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 323.2.1 MEDIA REQUEST

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

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### 323.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or

# Englewood Police Department

Englewood PD Policy Manual

## *Media Relations*

---

criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

- (c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

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

### **323.3.1 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Patrol Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

### **323.3.2 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

### **323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will cooperate with media requests for information regarding law enforcement activities, upon request, to media representatives through the Professional Standards Bureau Supervisor. Information available for release will consist of data classified as public and should generally contain:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this

# Englewood Police Department

Englewood PD Policy Manual

## Media Relations

---

jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

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

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

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

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

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

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

### 323.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

### 323.5 PIO RESPONSE

At the scene of an incident where a PIO is needed or requested, the following guidelines are suggested:

The Patrol Supervisor or MPO may release information to the media representatives off-camera regarding incident

# Englewood Police Department

Englewood PD Policy Manual

## *Media Relations*

---

If at the discretion of the sergeant or MPO the incident requires the need for an "on-camera" interview because the situation is of a critical nature, they are too busy managing the incident, or the media is insistent on obtaining more information, the sergeant or MPO can request a PIO. While waiting for the a PIO to arrive, the supervisor will designate a staging area for the media and inform them of an estimated time of arrival for the PIO.

The PSB Sergeant is the main point of contact if a PIO is needed. If the PSB Sergeant is unavailable then Dispatch maintains a list of PIO trained officers who can be contacted. In the event that no PIO can be contacted, the "on-call" Commander will be notified.

### **323.6 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

---

## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

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

### 324.2 POLICY

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

### 324.3 SUBPOENAS

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

Members will receive and accept subpoenas from the 18th Judicial District via the electronic subpoena system.

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

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

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

#### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

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

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

# Englewood Police Department

Englewood PD Policy Manual

## *Subpoenas and Court Appearances*

---

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

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

### **324.4 FAILURE TO APPEAR**

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

### **324.5 STANDBY**

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

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

### **324.6 COURTHOUSE PROTOCOL**

When appearing in court, members shall:

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

#### **324.6.1 TESTIMONY**

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

### **324.7 OVERTIME APPEARANCES**

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

## Registered Offender Information

### 325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Englewood Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

### 325.2 POLICY

It is the policy of the Englewood Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 325.3 REGISTRATION

The Criminal Investigations Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Colorado Bureau of Investigation (CBI) (CRS § 16-22-109; CRS § 16-22-110; CRS § 16-13-903).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

#### 325.3.1 CONTENTS OF REGISTRATION

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

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

#### 325.3.2 WAIVERS OF IN-PERSON RE-REGISTRATION

The Criminal Investigations Bureau supervisor should (CRS § 16-22-108):

- (a) Establish procedures for determining whether a registrant is eligible for a waiver under CRS § 16-22-108.
- (b) Submit verification forms to CBI and other applicable law enforcement agencies.
- (c) Review existing waivers to confirm registrants still meet eligibility requirements for the waiver.

# Englewood Police Department

Englewood PD Policy Manual

## *Registered Offender Information*

---

- (d) Notify victims, upon request by the victim, that a waiver has been authorized.

### **325.3.3 AUTOMATIC TERMINATION OF REGISTRATION**

The Criminal Investigations Bureau supervisor or the authorized designee shall notify a registrant whose duty to register has automatically terminated under CRS § 16-22-103 of the termination upon attempt to register. The Criminal Investigations Bureau supervisor shall remove the registrant from the registry and notify CBI of the termination (CRS § 16-22-108).

### **325.4 MONITORING OF REGISTERED OFFENDERS**

The Criminal Investigations Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on CBI's Convicted Sex Offender Registry website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Criminal Investigations Bureau supervisor.

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

#### **325.4.1 MANDATORY CONFIRMATION**

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

### **325.5 DISSEMINATION OF PUBLIC INFORMATION**

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor should evaluate the request and forward the information to the Chief of Police or the authorized designee if warranted. A determination will be made by the Chief of Police or the authorized designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided with CBI's Convicted Sex Offender Registry website or the Englewood Police Department's website.

The Records Manager shall release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-301 et seq.) and in compliance with a Colorado Criminal Justice Records Act request.



# Englewood Police Department

Englewood PD Policy Manual

## *Registered Offender Information*

---

### 325.5.1 RELEASE NOTIFICATIONS

Sex registrant information that is released shall include the written statement: “The Colorado sex offender registry includes only those persons who have been required by law to register and who are in compliance with the sex offender registration laws. Persons should not rely solely on the sex offender registry as a safeguard against perpetrators of sexual assault in their communities. The crime for which a person is convicted may not accurately reflect the level of risk.” (CRS § 16-22-112(5))

### 325.5.2 MANDATORY DISSEMINATION

The Department shall release local sex offender information to residents in accordance with Colorado law and the rules set forth by CBI. Information released shall include, at a minimum, the name, address or addresses, and aliases of the registrant; the registrant's date of birth; a photograph of the registrant, if requested and readily available; and the offense that led to the registration requirement and the date of the offense (CRS § 16-22-110; CRS § 16-22-112). Information concerning victims shall not be released.

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

### 325.5.3 DISCRETIONARY DISSEMINATION

The Department may also provide local sex offender information to any other person the Department determines warrants notification as permitted by law. If the Department elects not to release registrant information to a non-resident, the Department may submit a request from the non-resident to CBI (CRS § 16-22-112).

### 325.5.4 INFORMATION AVAILABLE VIA THE INTERNET

The Department may post the following registered offender information on its website only if the person is adjudicated or convicted of the offenses in CRS § 16-22-112:

- (a) Offender information, including the offender's name or aliases, photograph, sex, height, weight, name, address and offenses committed, as allowed by law
- (b) Educational information concerning protection from sex offenders that has been developed in conjunction with SOMB and a sexual assault victims' advocacy group, or a link to educational information included on the CBI website
- (c) A link to the National Sex Offender Public Website
- (d) A link to the CBI Convicted Sex Offender Registry website
- (e) A link to other law enforcement agencies

# Englewood Police Department

Englewood PD Policy Manual

## *Registered Offender Information*

---

### **325.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY**

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

### **325.6 NOTIFICATION PRIOR TO RELEASE OR DISCHARGE**

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

Prior to registrants being discharged from the CDOC, this department shall verify that (CRS § 16-22-107(4)(a)):

- (a) The address provided by the person is a residence.
- (b) The occupants or owners of the residence know of the person's history of unlawful sexual behavior.
- (c) The occupants or owners of the residence have agreed to allow the person to reside at the address.
- (d) If the registrant is being released on parole, the address complies with any conditions of the parole.

If any of the information required for verification is not true, the Department shall notify the CDOC that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

#### **325.6.1 CONFIDENTIAL INFORMATION**

The forms completed by persons required to register pursuant to Colorado law shall be confidential and shall not be open to inspection by the public or any person other than law enforcement personnel except as provided by law (CRS § 16-22-109(4)).

## Mutual Aid and Outside Agency Assistance

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance from another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of this department when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance (CRS § 29-5-104).

The Department may at the discretion of the Chief of Police establish an agreement for reciprocal law enforcement with another agency, including those of neighboring states, provided those agreements meet statutory requirements pursuant to CRS § 29-1-206. An agreement may include:

- (a) Assisting other peace officers in the line of their duties and within the course of their employment.
- (b) Exchanging Department peace officers with peace officers of another agency on a temporary basis.

### 326.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the on-duty supervisor for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law or an established mutual aid plan (see generally CRS § 33.5-713).

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to another agency's facilities.

When such assistance is rendered, a case number will be issued to report action taken by Englewood Police Department personnel.

### 326.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to

# Englewood Police Department

Englewood PD Policy Manual

## *Mutual Aid and Outside Agency Assistance*

---

provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

A resource to consider for obtaining mutual aid assistance could include the State of Colorado All Hazards Emergency Resource Mobilization Annex available from the Colorado Division of Homeland Security and Emergency Management.

### **326.4 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID**

The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate the incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan.
- Contact the local Colorado state dispatch and request support if it occurs on any federal, state or county highway located outside of municipal city limits.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

### **326.5 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Professional Standards Bureau Sergeant. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to the Dispatch Center and the Patrol Supervisor to ensure proper use in compliance with agreements.

---

## Major Incident Notification

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

### 327.2 POLICY

The Englewood Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Chief. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Missing children or endangered missing adults
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notification)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Englewood official
- Arrest of Department employee or prominent Englewood official
- Aircraft, train, boat or other transportation crashes with major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- CAD, radio, network, facility system or utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

### 327.4 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor is responsible for making the appropriate notification. The Patrol Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before

# Englewood Police Department

Englewood PD Policy Manual

## *Major Incident Notification*

---

notification, and shall attempt to make the notification as soon as practicable. Notification should be made by using the call notification protocol posted in the Dispatch Center.

### 327.4.1 STAFF NOTIFICATION

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

### 327.4.2 DETECTIVE NOTIFICATION

The on duty patrol supervisor will determine the need for requesting assistance from the detective bureau. If two or more detectives are required for an incident the on call detective supervisor shall be notified.

### 327.4.4 PUBLIC INFORMATION OFFICER (PIO)

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

---

## Stationary Vehicle Mobilization Maneuver (Vehicle Pinning)

### 328.1 POLICY

The Department recognizes the need, in certain situations, for officers to use intentional vehicle on vehicle contact in order to render a vehicle immobile by blocking it in between two police vehicles.

Stationary vehicle pinning is direct, intentional contact to one or both bumpers of a stationary vehicle, by a police vehicle(s). This reduces the suspect's ability to immediately escape. This is not "ramming" of a suspect vehicle, which is described in 307.8.3.

Stationary vehicle pinning considerations:

- A vehicle pin must be justified by articulable facts known to the officers at the time of the contact to determine if it was both reasonable and necessary indicating that there is an immediate need to "pin" the vehicle and/or if the vehicle was allowed to leave the scene or flee would cause a threat to public safety.
- Occupant's responsiveness, cooperation, time of day, location, pedestrian traffic, and any other known hazards.
- Equipment and trained officers available ("like for like" vehicles, patrol stop sticks, number of trained officers and other factors)

Stationary vehicle pinning procedures will be taught by subject matter experts. The "pin" will be completed as trained.

The on-duty supervisor shall be notified and will approve or deny the use of the maneuver based on the totality of the circumstances, unless exigent circumstances exist. The supervisor should be present, if possible, in order to monitor the situation.

If the suspect attempts to ram their way out of the pin as a means of escape, it is best practice to let them leave. Ideally their tire(s) would be flat due to the placement of the "Patrol Terminator Stop Stick" and officers can monitor the suspect vehicle without engaging in a pursuit (Unless the pursuit is authorized within policy).

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

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

---

## Death Investigation

### 329.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to CRS § 30-10-606.

### 329.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor shall be notified in all death investigations.

#### 329.2.1 CORONER REQUEST

The Coroner shall be called as soon as practicable after the scene is safe and secure in all deaths. Investigating officers shall investigate and work in cooperation with the Coroner involving any of the following circumstances (CRS § 30-10-606(1)):

- (a) The death is, or may be, unnatural, as a result of external influences, injury or violence.
  - 1. It is due to the influence of, or is the result of, intoxication by alcohol, drugs or poison.
  - 2. It is the result of an accident, including an accident at the workplace.
  - 3. It involves the unexpected or unexplained death of an infant or child.
- (b) There is no physician in attendance, or when the physician is at the scene but is unable to certify the cause of death.
- (c) The death is the result of a criminal abortion, including any situation where such abortion may have been self-induced.
- (d) It is the result of a disease that may be hazardous or contagious, or may constitute a threat to the health of the public.
- (e) The death results from the action of a peace officer, or while the person was in the custody of law enforcement officials or incarcerated in a public institution.
- (f) The death was sudden, and happened to a person who was in apparent good health.
- (g) The body is unidentifiable, decomposed, charred or skeletonized.



# Englewood Police Department

## Englewood PD Policy Manual

### *Death Investigation*

---

- (h) The death occurs under circumstances that the Coroner determines may warrant further inquiry in order to determine the cause and manner of death, or that requires further law enforcement investigation.

In cases involving any of the above mentioned circumstances, the body of the deceased shall not be removed from the place of death prior to the arrival of the Coroner. This restriction shall not apply if the Coroner grants permission for removal or removal is necessary to identify the victim, protect property from damage, preserve evidence, or protect life, health or safety.

When the Coroner arrives at the scene, law enforcement personnel shall make all reasonable accommodations to allow him/her to collect time-sensitive information.

If a suicide note is found at the place of death, investigating officers or the Coroner shall take custody of the note based on a prior agreement. If there is no prior agreement, investigating officers have the authority to take custody of the suicide note and shall provide a copy to the Coroner.

#### 329.2.2 SEARCHING DEAD BODIES

The Coroner or an assistant and authorized investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer shall first obtain verbal consent from the Coroner when practicable.

Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 329.2.3 DEATH NOTIFICATION

In most cases death notifications will be made by the Coroner. Upon request from the Coroner a notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

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

#### 329.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

# Englewood Police Department

Englewood PD Policy Manual

## *Death Investigation*

---

### 329.2.5 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The patrol supervisor shall respond to the scene and determine the possible need for an detective to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the detective and Criminal Investigations Bureau supervisor, is unable to determine the manner of death, the scene will be secured until the arrival of the Coroner or Coroner's investigator. The investigation shall proceed as possible homicide.

The assigned detective investigating a homicide or a death under suspicious circumstances shall, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

### 329.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment may ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.

## Identity Theft

### 330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 330.2 REPORTING

- (a) To maintain uniformity in reporting, officers shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
  1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides (CRS § 16-5-103(4)).
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that an Order of Factual Innocence is available to help those who are wrongly linked to crimes (CRS § 16-5-103(2)(b)). A court may order identifying information contained in criminal justice records to show that the information is not accurate and does not reflect the perpetrator's identity because of identity theft. Information can be obtained by contacting the Department of Revenue.
- (f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

### 330.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access additional information on the official Colorado state government website.

# Englewood Police Department

Englewood PD Policy Manual

## *Identity Theft*

---

### **330.4 INFORMATION**

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can find FTC contact information online through its official website. Additional information may be found at the U.S. Department of Justice and/or FBI websites.

## C.I.T. Co-Responders

### 331.1 PURPOSE

- (a) Under normal circumstances, Co-Responders respond to Calls for Service (CFS) with a Patrol Officer in that officer's assigned vehicle. When a Co-Responder is assigned to an officer, dispatch should attempt to assign the officer and Co-Responder, as well as a cover officer, to calls involving a person in crisis or other mental health related events. An officer who has a Co-Responder attached to them should attempt to respond to calls involving mental health related events when not specifically dispatched.
  - 1. Co-Responders may operate department vehicles in restrictive and limited circumstances, to be approved by the Patrol Division Chief, and may respond to calls for service as requested by Dispatch, a supervisor or police officer.
  - 2. When Co-Responders are operating department vehicles, they may attach themselves to a call for service if not specifically dispatched; however, they will wait at a safe distance until the assigned officer(s) arrive on scene before contacting citizens.
  - 3. Co-Responders may conduct routine in-person follow-up without an officer, if they feel comfortable doing so. Co-Responders may request an officer accompany them when resources are available
- (b) Co-Responders will adhere to the following guidelines:
  - 1. Co-Responders are accountable for their actions and shall follow their employer's policy/procedure and guidelines. They are also responsible for following the guidelines in this policy. Co-Responders shall not transport victims, witnesses or others in their private vehicles.
  - 2. Co-Responders shall not retain any property belonging to victims, witnesses or others.
  - 3. Co-Responders shall not respond to any call without an officer, investigator or officer/deputy from another agency.
  - 4. Co-Responders should never knowingly put themselves in a situation that places their personal safety in jeopardy.
  - 5. Co-Responders are employees of a contracted community behavioral health provider. Expectations and limitations shall be specified in the Contract for Services between the Englewood Police Department and the contracted community mental health provider. All personnel concerns are to be addressed by the clinical team lead or designated supervisor from the contracted community behavioral health provider.
- (c) Scene safety is paramount. If at any time the officer feels that the situation is unsafe for any party involved, the officer will take appropriate measures to make the scene safe.
- (d) If no crime has been committed officers should make reasonable efforts to follow the Co-Responder's suggested plan of action. If a crime has been committed the officer

# Englewood Police Department

## Englewood PD Policy Manual

### *C.I.T. Co-Responders*

---

and co-responder will work together to determine the course of action in proceeding with the investigation while assessing mental health/substance abuse needs.

- (e) **M-1 Emergency Mental Health Hold:** When an emergency mental health hold is necessary, the officer or the Co-Responder will complete the M-1 form and the officer will transport/arrange transportation of the subject to the appropriate facility. The Co-Responder may also be involved in the transport if attached to the officer. If the officer and Co-Responder are in disagreement over the placement of a person on an M-1 Emergency Mental Health Hold, the on-duty supervisor will be notified and make the final determination. The Englewood Police Department does not utilize the M.5 temporary mental health hold.
- (f) **Emergency Commitment (EC) for Alcohol/Drug Detoxification:** If the subject is under the influence of drugs and/or alcohol, and presents a danger to themselves or others as a result of their intoxication, co-responders will initiate an EC consult with an appropriate local detoxification facility. Generally, the co-responder will contact the detox facility, request an EC consultation, and explain the subject's presentation, level of intoxication, and causes for concern. If the detox facility authorizes the EC, the co-responder will coordinate the plan for transportation with the officer(s), either to the nearest hospital for medical attention/clearance or directly to the detox facility. This includes receipt of EC paperwork from the authorizing facility. Subjects who present with a BAL over .4 and/or are unable to ambulate without assistance will automatically require medical clearance. Generally, Englewood PD utilizes East Metro Detox in Aurora. If East Metro is not a viable option, the co-responder will coordinate with a different detox facility (ie. Denver Springs, Highland Behavioral Health, etc.) with approval -from the on duty supervisor.
- (g) Co-responders may educate and assist family members or other identified appropriate individuals with the M3 process.
- (h) Officers are encouraged to utilize the All Heath Walk in Crisis Center ("WIC") located at 6509 South Santa Fe Drive, Littleton for mental health holds and those needing substance abuse evaluation. The WIC is unable to take violent subjects, subjects with immediate medical needs, subjects who present an imminent danger to the community, BAC's over .08.

Officers should be aware of other referrals for immediate resources such as 211, Rocky Mountain Crisis Partner's, the current list of resources maintained in the department's information system, and other resources distributed. Officers may directly call the crisis line at Rocky Mountain Crisis Partner's for referrals and possible dispatch of mobile crisis response.

## Private Persons Arrests

### 332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115.

### 332.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 332.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115):

- (a) For any crime that has been or is being committed or attempted in his/her presence
- (b) When directed by any peace officer to assist a peace officer
- (c) When there is reasonable information that the accused has been charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year
  1. The accused shall be taken before a judge without unnecessary delay and a complaint must be made against the accused under oath by the private person making the arrest.

### 332.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.

# Englewood Police Department

Englewood PD Policy Manual

## *Private Persons Arrests*

---

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking.
  2. Release the individual upon a misdemeanor citation or pending formal charges.

### **332.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

### **332.6 POLICE INVOLVEMENT IN ARRESTS OF CITIZENS BY BONDSMEN**

This section provides guidance on how members of the Englewood Police Department should interact with bondsmen when they are attempting the detention of a subject for a civil bond violation.

A Bondsman (also known as a Bail Enforcement Agent, Bond Recovery Agent, Surety, or Bounty Hunter) is an individual or private corporation that has the authority under CRS 10-23-106, CRS 10-23-109, and CRS 18-13-130 to create and enforce a civil agreement with another person who has posted bond through the bondsman or corporation in order to remain free from custody pending further appearances in a criminal court proceeding. The detention of another person by a bondsman is the result of a civil agreement between the bondsman and the person.

Members of the Englewood Police Department are strongly discouraged from taking actions or making statements that can be construed as showing a bias or "taking sides" in a civil disagreement or civil contract between two parties. Involvement of EPD members in a civil dispute, beyond a peacekeeping role, could create personal and organizational liability.

The following procedures apply to interactions involving EPD members and bondsmen:

- A. The detention of another person by a bondsman is the result of a civil agreement between the bondsman and the person detained.



# Englewood Police Department

## Englewood PD Policy Manual

### *Private Persons Arrests*

---

B. If a bondsman requests assistance from the Englewood Police Department to locate, apprehend, or transport a bond violator, the following procedures should be followed:

1. When a bondsman contacts EPD and asks for assistance, Communications will obtain the details of the request, including the name of the bondsman and the alleged bond violator. A call for service will be created and an officer dispatched to meet the bondsman. Communications will conduct a CCIC/NCIC clearance of the alleged bond violator. Information as to the warrant status will be provided to the officer only. If there is not a valid warrant on CCIC/NCIC, the bondsman will be told that a valid warrant is required before EPD will become involved. Without a valid warrant on CCIC/NCIC, EPD's involvement will end at this point. There will be no further EPD participation in any capacity, and any EPD personnel on scene will leave the area.
2. If a valid arrest warrant is located on CCIC/NCIC for the alleged bond violator, the officer will notify a supervisor of the situation.
3. The officer will verify the credentials of the bondsman and verify with Communications that the subject in question does indeed have a valid warrant on CCIC/NCIC.
4. At this time, EPD will take over the call for service and the bondsman will be instructed to leave the scene and remain outside of any outer perimeter, as established by EPD officers. Bondsmen shall not have any role in the investigation, tactics, attempted contact, arrest, or transport of the arrestee.
5. The call for service will be prioritized in line with other pending calls and handled as if it were any other warrant arrest investigation.
6. EPD will attempt the arrest of the wanted subject and transport the arrestee to the Arapahoe County Jail per current EPD policy.
7. A written report will document the incident and will list the identifying information of the bondsman as the RP on the call.

C. If EPD is called to the scene of an in-progress disturbance that has resulted from the detention of a bond violator by a bondsman, the officer will investigate the incident and determine if any criminal activity has occurred.

1. Absent any allegation or observation by an officer of criminal activity either on the part of the bondsman or the bond violator, civil bond revocations should be allowed to proceed without further EPD involvement.
2. If the bond violator has a valid arrest warrant that is confirmed through CCIC/NCIC, the officer will proceed as if the case were a routine warrant arrest investigation. The officer will take custody of the subject and conduct the transport to jail.
3. A written report will document the incident and will list the identifying information of all involved parties and the circumstances of the incident.

# Englewood Police Department

Englewood PD Policy Manual

## *Private Persons Arrests*

---

4. Under no circumstances will an arrestee with a valid arrest warrant be turned over to the custody of a bondsman.

D. Bondsmen will not participate in tactical operations, assist with arrests, or provide cover to EPD officers. Bondsmen will be treated just like any other citizen, and officers will demonstrate the same level of professionalism as if the contact was with any citizen.

Officers should be aware that bondsmen are often armed with a variety of weapons that they carry for their own protection during the course of their daily activities. These weapons could include firearms, edged and impact weapons, and chemical sprays. Bondsmen are subject to all applicable laws pertaining to the possession, display, and concealment of weapons. Officers should inform bondsmen that they are not to display weapons while in the presence of police officers.

## Limited English Proficiency Services

### 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 333.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

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

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

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

### 333.2 POLICY

It is the policy of the Englewood Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 333.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors listed below, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP

# Englewood Police Department

Englewood PD Policy Manual

## *Limited English Proficiency Services*

---

individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

### **333.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

### **333.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Englewood Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

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

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

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

### **333.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

# Englewood Police Department

Englewood PD Policy Manual

## *Limited English Proficiency Services*

---

### **333.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### **333.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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

### **333.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

# Englewood Police Department

Englewood PD Policy Manual

## *Limited English Proficiency Services*

---

### 333.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone or internet video connection. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

### 333.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **333.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

# Englewood Police Department

Englewood PD Policy Manual

## *Limited English Proficiency Services*

---

### **333.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

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

#### **333.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### **333.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### **333.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects.

# Englewood Police Department

Englewood PD Policy Manual

## *Limited English Proficiency Services*

---

In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address, etc.) should be documented so that the person can be subpoenaed for trial if necessary.

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

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

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

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

### **333.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none are available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### **333.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### **333.16 COMPLAINTS**

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



# Englewood Police Department

Englewood PD Policy Manual

## *Limited English Proficiency Services*

---

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

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

### **333.17 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Professional Standards Bureau Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Professional Standards Bureau Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

# Communications with Persons with Disabilities

## 335.1 PURPOSE AND SCOPE

Individuals who are deaf or hard of hearing may encounter difficulties in gaining meaningful access to, or an understanding of, important rights, obligations, and services. In accordance with the Americans with Disabilities Act, the agency will offer and provide appropriate auxiliary aids and services to ensure effective communication with such individuals in all contexts, including contact with law enforcement personnel. This agency shall offer and furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits of, all agency services, programs, or activities.

### 335.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** -These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

**Deaf or hard of hearing** - An individual who has or is regarded as having substantially limited hearing with or without assistance. This includes a person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids (CRS § 13-90-202(6)).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a valid certification of competency accepted by the Commission for the Deaf and Hard of Hearing (CRS § 13-90-202(8)).

## 335.2 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, agency employees should be alert to the possibility of communication problems. They should exercise special care in the use of all gestures and with verbal and written communications to minimize initial confusion or misunderstanding when dealing with any individual with known or suspected hearing-related disabilities. When there is an emergency involving an imminent threat to the safety or welfare of an individual (to include Englewood law enforcement personnel or a citizen) or the public, and there is insufficient time to make available appropriate auxiliary aids and services, Englewood law enforcement personnel will use whatever auxiliary aids and services are most effective under the circumstances to communicate with persons who are deaf or hard of hearing, consistent with an appropriate law enforcement response

# Englewood Police Department

## Englewood PD Policy Manual

### *Communications with Persons with Disabilities*

---

to the imminent threat. This may include, for example, exchanging written notes or using the services of a person who knows sign language but who is not a qualified interpreter, for an interim period during the period of ongoing imminent threat, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service.

The imminent threat exception is not intended to apply to the typical and foreseeable emergency situations that are a part of the normal operations of Englewood's law enforcement and related programs, services, and activities. For example, Englewood personnel may rely on an accompanying individual to interpret or facilitate communication under this paragraph only in truly exigent circumstances, i.e., where any delay in providing immediate services to the individual could have life-altering or life-ending consequences for members of the public or personnel. Once the exigency has lifted, personnel should revisit the decision of what auxiliary aids and services are appropriate, inquire as to the person's preferences under the non-exigent circumstances, and give primary consideration to those preferences.

#### **335.3 HONORING INDIVIDUALS' CHOICES THROUGH PRIMARY CONSIDERATION**

**1. Generally.** This agency will offer and provide appropriate auxiliary aids and services to any person who is deaf or hard of hearing to ensure effective communication, at no cost to the individual with a disability. In all non-emergency situations - whether the person is a crime victim, witness, suspect, arrestee, detainee, or member of the public seeking information, when an employee knows or suspects a person is deaf or hard of hearing, the employee will ask whether the person wants a qualified interpreter for effective communication, using the American Sign Language pictogram for "sign language interpreter." Whether the individual requests a qualified interpreter or some other specific auxiliary aid or service, the individual's choice of a communication method shall be given primary consideration and shall be honored unless the employee can adequately demonstrate that an equally effective method of communication exists under the circumstances. If the person has requested a qualified interpreter, the officer will, in writing, notify the person who is deaf or hard of hearing that a qualified interpreter has been requested. Prior to the arrival of the interpreter, the officer should write messages to the suspect in simple language explaining what is transpiring or will transpire. No other questioning, interviews or interrogations will be conducted without a qualified interpreter present unless an imminent threat or exigent circumstances requires an attempt at communication. No employee will advise the deaf or hard of hearing person who uses sign language of his or her Miranda Rights without the qualified interpreter present. Once a qualified interpreter has arrived, the employee will use the qualified interpreter to facilitate all communication with the person who is deaf or hard of hearing, including issues related to needed medical attention, if any. The employee will explain to the person all charges filed and all procedures relating to the person's detainment and release.

**2. Arrests.** In the event of an arrest, the arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time onsite or at the place of detention, as appropriate, unless the person has indicated he or she does not use sign language or prefers another specific auxiliary aid or service. At the conclusion of the arrest, if the person who is deaf or

# Englewood Police Department

## Englewood PD Policy Manual

### *Communications with Persons with Disabilities*

---

hard of hearing is to be placed into a holding cell, any qualified interpreter who has been obtained for effective communication will be asked to accompany the officer to the holding cell to facilitate completion of the booking process.

**3. Custodial Interrogations and Bookings.** These same processes will apply during custodial interrogations and bookings, i.e., the officer will show the American Sign Language pictogram to the person who is deaf or hard of hearing, will ask whether the person wants a qualified interpreter for effective communication, and will defer to the person's expressed preference unless another equally effective means of communicating is available.

**4. Victims and Witnesses.** As stated above, an employee shall offer the American Sign Language pictogram and provide a qualified interpreter to assist in an interview or questioning of a victim or witness who is deaf or hard of hearing and uses sign language for effective communication. If the victim or witness has requested another type of auxiliary aid or service, the employee will defer to the expressed preference unless another equally effective means of communication is available.

#### **335.4 FACTORS TO CONSIDER**

In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability to the same extent as similarly situated non-disabled individuals. Factors an employee may consider when determining whether a different auxiliary aid or service will ensure equally effective communication, once the person has expressed a preference for a qualified interpreter or other particular auxiliary aid or service, include:

- (a) The methods of communication used by the individual;
- (b) The nature, length, and complexity of the communication involved; and
- (c) The context in which the communication is taking place.

Before deciding that a method other than providing a qualified interpreter or other particular auxiliary aid or service will ensure effective communication, the employee should try to confirm full comprehension and expression of communication by actively assessing the quality of communication. Employees should never assume effective communication is being achieved. People who are deaf or hard of hearing may appear to understand verbal or written communication, despite actual confusion. In the absence of a qualified interpreter, for instance, employees should confirm the deaf person fully comprehends the communication - by having the person repeat what is being said in his or her own words - before proceeding. It is also possible that the person with a disability can respond to and understand the employee's communication, but does not feel able to express his or her own questions or concerns in English. To comply with the ADA, communication flowing both ways must be equally effective to communication with those in similar circumstances. For instance, if an officer is effectuating an arrest pursuant to a warrant, and probable cause has already been established, the person being arrested will generally have questions about the reason for and circumstances of the arrest and may want to

# Englewood Police Department

Englewood PD Policy Manual

## *Communications with Persons with Disabilities*

---

inform the arresting officers about health or child care concerns; deaf persons must have the same opportunity to ask and have answered such questions or express such concerns. When there is doubt about whether effective communication is being achieved, given the ADA's mandate of "primary consideration," the employee must defer to the expressed preference of the individual.

Employees should document the type of communication utilized in any related document and whether an individual with a disability elected to use services provided by the agency or some other identified source. Agency-provided services may include, but are not limited to, the following, so long as effective communication is achieved.

### **335.5 FIELD RESOURCES**

1. Using the procedures set out in this document, employees shall offer and provide appropriate auxiliary aids and services. Specifically, they will preliminarily offer a qualified interpreter by displaying the American Sign Language pictogram as set out above. If the person who is deaf or hard of hearing declines the offer of a qualified interpreter, examples of other auxiliary aids and services that may be appropriate in different contexts include:

- (a) Hand gestures or visual aids to supplement oral communication.
- (b) Use of a pen or pencil to exchange written notes.
- (c) Use of computers or a typewriter.
- (d) Use of Teletypewriters (TTY) or Videophones (VRS).
- (e) Use of family members or friends of the individual, consistent with the limitations set forth in paragraph 4 of this memo.
- (f) Verbally communicating with an individual who uses some lip reading, while speaking slowly and clearly. Note that reliance on the effectiveness of lip reading is often misplaced; in many cases it will not provide effective communication sufficient to meet the agency's legal obligations.
- (g) Use of computer-aided real-time transcription services (CART) for someone who is deaf or hard of hearing and who does not use sign language. CART can be particularly helpful in group settings such as meetings or educational sessions.

2. Imminent Communication Need Prior to Interpreter's Arrival. Even when a person who is deaf or hard of hearing has expressed a desire for a qualified interpreter, provided the employee has informed the person that a qualified interpreter has been requested, if the need for communication is imminent or initiated by the person who is deaf or hard of hearing, employees may utilize other resources immediately available to them while awaiting the arrival of the qualified interpreter.

3. Obligation is On the Agency. The agency shall not require an individual with a disability to bring another individual to interpret for him or her.

4. Use of Others to Interpret. The agency shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except -

# Englewood Police Department

## Englewood PD Policy Manual

### *Communications with Persons with Disabilities*

---

(a) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(b) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

(c) The agency will not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

#### **335.6 PROCEDURES FOR OBTAINING INTERPRETER SERVICES**

If an officer or employee determines that a sign language interpreter is needed, a request for a sign language interpreter should be made through Dispatch. The officer or employee should then notify his or her on-duty supervisor. Dispatch will contact a qualified interpreting service agency (from a list maintained by Dispatch) and request an estimated time of arrival. If the sign language interpreter cannot respond within one hour (or a reasonable amount of time), another sign language interpreter should be requested.

#### **335.7 TTY AND RELAY SERVICES**

Individuals who are deaf or hearing-impaired will be given the opportunity to use text telephones (TTY or TDD) or any other comparable auxiliary aid that is available. Individuals who have been arrested or detained will be given the same privacy rights as other arrestees. Due to the slower nature of TTY and TDD communications, arrestees or detainees should be given three (3) times the normal length of time to make the call if the call is time limited."

#### **335.8 CONTACT SITUATIONS AND REPORTING**

Whenever any member of this agency is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved person with a disability, such services should be noted in the report.

#### **335.9 HEARING AIDS AND OTHER PERSONAL DEVICES**

(a) Individuals who require and possess personally-owned communication aids (e.g., hearing aids, cochlear processors, and others) shall be permitted to retain such personally-owned devices while in custody.

(b) Individuals in custody who have been allowed to retain communication devices that help them communicate with agency members shall be allowed to use those devices for that purpose.

#### **335.10 REASONABLY MODIFYING HANDCUFFING POLICIES**

When Englewood personnel deem it necessary to handcuff a person who is deaf or hard of hearing, personnel will, safety permitting, reasonably modify standard operating procedure and

# Englewood Police Department

Englewood PD Policy Manual

## *Communications with Persons with Disabilities*

---

handcuff deaf members of the public in front to enable the person to communicate using sign language or writing.

### **335.11 EVIDENCE**

All written correspondence exchanged with a person who is deaf or hard of hearing in a criminal case will be placed into evidence under the appropriate case report number. This includes any notes exchanged with victims, witnesses, or suspects. Placement of any notes into evidence does not take the place of documenting the conversation in the narrative section of the case report.

As determined to be necessary, in non-custodial interactions (e.g., traffic stops), officers are encouraged to place any written notes exchanged with the deaf or hard of hearing individual into evidence under the appropriate case report number.

## Pupil Arrest Reporting

### **338.1 PURPOSE AND SCOPE**

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

### **338.2 PUPIL ARREST REPORTING**

A School Resource Officer or other Law Enforcement Officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal or his or her designee of the arrest within twenty-four hours after the arrest.

If a School Resource Officer or other Law Enforcement Officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle or at a school activity or sanctioned event, the officer shall notify the Principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

#### **338.2.1 PUPIL ARREST AFTER NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

#### **338.2.2 PUPIL ARREST BEFORE NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

#### **338.2.3 PARENTAL NOTIFICATION**

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.



## Biological Samples

### 339.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

### 339.2 POLICY

The Englewood Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 339.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (CRS § 16-23-103; CRS § 16-11-102.4):

- (a) Every adult arrested for a felony offense, as part of the booking process, or who is charged with a felony by an indictment, information or felony complaint
- (b) In all other cases, upon the adult's first appearance in court following the filing of charges, when a court requires the adult to submit a sample to the investigating agency responsible for fingerprinting pursuant to CRS § 16-21-104
- (c) Persons who have been convicted and are required to submit a sample under CRS § 16-11-102.4

### 339.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

#### 339.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to CRS § 16-23-103 or CRS § 16-11-102.4.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's criminal history. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use the designated collection kit provided by the Colorado Bureau of Investigation (CBI) to perform the collection and take steps to avoid cross contamination.

## *Biological Samples*

---

### **339.5 USE OF FORCE TO OBTAIN SAMPLES**

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Arrestees who refuse to cooperate with collection shall be transferred to a custodial facility with additional resources to better facilitate the sample collection. The receiving facility shall be informed of the refusal upon transfer.

### **339.6 LEGAL MANDATES AND RELEVANT LAWS**

Colorado law provides for the following:

#### **339.6.1 LITIGATION**

The Chief of Police or the authorized designee shall immediately notify the Colorado Attorney General's Office in the event this department is named in a lawsuit involving the DNA database.

#### **339.6.2 FORWARDING BIOLOGICAL SAMPLES**

All biological samples and related materials shall be promptly forwarded to CBI using CBI material, labels and instructions for prompt analysis (CRS § 16-23-103(6); CRS § 16-23-104).

---

## Crisis Call Diversion

### 340.1 POLICY

The Englewood Police Department ("EPD") will divert identified mental health and substance abuse calls for service ("CFS") to Rocky Mountain Crisis Partners ("RMCP") aka the Colorado Crisis Line. Dispatchers will utilize specific questions, which are listed below, to appropriately divert CFS that come into the EPD communications center to RMCP.

RMCP provides 24/7 phone support for mental health and/or substance abuse issues and dispatches Specialized Alternatives for Families & Youth ("SAFY") (a mobile crisis response with a licensed clinician) for 24/7 mobile crisis response to identified needs. On occasion, RMCP or SAFY will refer a call back to the EPD for appropriate response.

Calls transferred to RMCP will generate a CFS which will appear on the call board. The call will be left on the call board for at least 60 minutes to serve as a notification to Patrol Supervisors and Officers of the situation. The on-duty supervisor, after reviewing the CFS, may direct dispatch to archive the CFS.

Calls meeting criteria for transfer to RMCP will be transferred to RMCP without regard to availability of Co-Responders or other resources.

The following types of calls will be excluded from crisis call diversion and will require law enforcement and/or EMS response:

- Subject has already harmed self or another person
- Subject is armed with a weapon
- Subject is using or threatening to use violence or physical force
- Subject presents as being significantly impaired, incoherent, or cannot otherwise communicate
- Subject reports criminal activity or conflict with intimate partner
- Subject reports their safety is being threatened or they are thinking of harming others
- Second-party callers where the subject is in the presence of the second-party caller and the subject is un-willing or unable to speak on the phone
- Calls coming in on Teletypewriter (TTY)
- Requests for welfare checks when the requesting party is not in direct contact with the subject of concern

- If the call is being made by a second-party caller requesting a welfare check, is the caller in direct contact with the subject? (If they are not, this will require a law enforcement response and may also dictate an EMS response based on the information received)

The following is a non-exhaustive list of types of calls potentially suitable for referral to RMCP based on proper screening:

# Englewood Police Department

## Englewood PD Policy Manual

### *Crisis Call Diversion*

---

- Panic or anxiety attacks not requiring or requesting EMS response
- Depression issues or depressed persons
- Suicidal ideation or threats
- Questions about what to do with family or friends in crisis who are not threatening public safety
- Substance abuse struggles
- Requests for mental health and/or substance abuse resources
- Second-party callers requesting resources or information on mental health and/or substance abuse
- Parent/child conflict issues with no imminent threats of violence
- Requests for advice on parenting conflicts, coping skills, and other related issues
- Hearing-impaired individuals who are able and willing to use text messaging for and otherwise meet criteria to transfer to RMCP.

When applicable, dispatchers will ask or otherwise obtain answers to the following non-exhaustive list of questions prior to transferring any call to RMCP. These questions will be asked in first or third person, depending on whether the caller is the subject or a third party. Additional questions, other than those listed below, may be asked by dispatch in order to determine whether a call is appropriate to transfer to RMCP.

- Has the subject of the call already harmed self and/or others?
- Is the subject of the call armed with a weapon?
- Is the subject of the call using or threatening to use violence or physical force?
- If the call is being made by a third-party caller in the presence of the subject, is the subject unwilling or unable to speak on the phone?
- Is the subject of the call having thoughts of harming others?
- Does the subject of the call believe others will harm them?
- Is the subject of the call committing and/or reporting criminal activity?
- Does the situation being reported involve conflict with an intimate partner?
- Is the subject of the call displaying significant signs of impairment, incoherent, or otherwise unable to communicate and answer the above questions?

A "yes" or otherwise affirmative response in answer to any of the above questions will require law enforcement response and may dictate EMS response as well.

For calls that are transferred to RMCP, before transferring the call, dispatchers should explain to the caller the need to call EPD back in the event the call becomes disconnected.

# Englewood Police Department

Englewood PD Policy Manual

## *Crisis Call Diversion*

---

Patrol officers shall carry the RMCP crisis line phone number with them while on-duty, and are encouraged to refer people to the RMCP crisis line for resources or follow-up care when in contact with people who may need mental health services and/or substance abuse resources but who are not holdable.

## Child and Dependent Adult Safety

### 341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

### 341.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Englewood Police Department will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 341.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

# Englewood Police Department

Englewood PD Policy Manual

## *Child and Dependent Adult Safety*

---

### 341.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify the Department of Human Services, if appropriate.
- (e) Notify the field supervisor or Patrol Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

### 341.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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

# Englewood Police Department

Englewood PD Policy Manual

## *Child and Dependent Adult Safety*

---

### 341.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Special needs (e.g., medical, mental health)
  5. How, where and with whom or which agency the child was placed
  6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Whether he/she reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

### 341.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### **341.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

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



# Englewood Police Department

Englewood PD Policy Manual

## *Child and Dependent Adult Safety*

---

### **341.5 TRAINING**

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

## Service Animals

### 342.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Englewood Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 342.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

Service animals also include assistance dogs that are in the process of being trained and are accompanied by a trainer (CRS § 24-34-803).

#### 342.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, or follow daily routines.

# Englewood Police Department

Englewood PD Policy Manual

## *Service Animals*

---

### **342.3 MEMBER RESPONSIBILITIES**

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Englewood Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

---

## Off-Duty Law Enforcement Actions

### 343.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Englewood Police Department with respect to taking law enforcement action while off-duty.

### 343.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any certified member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

### 343.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and Department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment. The carrying of firearms is prohibited while under the influence of alcohol or a controlled substance (CRS § 18-12-106(d)).

### 343.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.

# Englewood Police Department

Englewood PD Policy Manual

## *Off-Duty Law Enforcement Actions*

---

- (c) The lack of equipment, such as handcuffs, Taser or a baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

### **343.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Englewood Police Department officer until acknowledged. Official identification should also be displayed.

### **343.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

### **343.4.3 RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### **343.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

## **343.5 REPORTING**

Any officer, prior to taking any off-duty enforcement action, should attempt to notify a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Englewood Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The officer shall promptly notify the Englewood Police Department on-duty supervisor of any police action taken by the officer while outside the department's jurisdiction. As soon as the officer returns to duty, he/she shall provide full written documentation of the incident.

# Englewood Police Department

Englewood PD Policy Manual

## *Off-Duty Law Enforcement Actions*

---

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

## Chaplains

### 344.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Englewood Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

### 344.2 POLICY

The Englewood Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### 344.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and from excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

### 344.4 RECRUIT, SELECTION AND APPOINTMENT

The Englewood Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

#### 344.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

#### 344.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

# Englewood Police Department

Englewood PD Policy Manual

## Chaplains

---

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the Patrol Division Commander.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee

### **344.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" and not reflect any religious affiliation.

Chaplains will be issued Englewood Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Englewood Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued department property at the termination of service.

Chaplains shall conform to all appearance standards of this department.

### **344.6 CHAPLAIN COORDINATOR**

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Patrol Division Chief or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

### **344.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas



# Englewood Police Department

## Englewood PD Policy Manual

### Chaplains

---

within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Englewood Police Department.

#### 344.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

#### 344.7.2 OPERATIONAL GUIDELINES

- (a) Generally, each chaplain will serve with Englewood Police Department personnel a when available on a volunteer basis.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Englewood Police Department operations, provided the Patrol Supervisor has been notified and has approved the activity.
- (c) Chaplains shall not be evaluators of members of the Department.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the Englewood Police Department unless otherwise authorized by the Chief of Police or the authorized designee..

#### 344.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

# Englewood Police Department

Englewood PD Policy Manual

## Chaplains

---

### 344.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Supervisor or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the department.

### 344.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

### 344.7.6 CHAPLAIN MEETINGS

All chaplains shall make themselves available to meet with the Chaplain coordinator upon request.

## 344.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Englewood Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

# Englewood Police Department

Englewood PD Policy Manual

## *Chaplains*

---

No chaplain shall provide counsel to or receive confidential communications from any Englewood Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### **344.9 TRAINING**

The Department encourages department chaplains to attend appropriate training when available. The training, as approved by the Professional Standards Bureau Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

---

## Department Use of Social Media

### 345.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 345.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 345.2 POLICY

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

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

### 345.3 AUTHORIZED USERS

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

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

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

### 345.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

# Englewood Police Department

Englewood PD Policy Manual

## *Department Use of Social Media*

---

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### 345.4.1 INCIDENT-SPECIFIC USE

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

### 345.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Englewood Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

### 345.5.1 PUBLIC POSTING PROHIBITED

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

# Englewood Police Department

Englewood PD Policy Manual

## *Department Use of Social Media*

---

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

### **345.6 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### **345.7 RETENTION OF RECORDS**

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

### **345.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

## Extreme Risk Protection Orders

### 346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving extreme risk protection orders, and accounting for firearms and concealed carry permits obtained pursuant to those orders (CRS § 13-14.5-108).

#### 346.1.1 DEFINITIONS

Definitions related to this policy include:

**Extreme risk protection order** - An order prohibiting a named person from having in his/her custody or control, purchasing, possessing, or receiving prohibited items.

**Prohibited items** - Firearms and concealed carry permits that are prohibited by an extreme risk protection order.

### 346.2 POLICY

It is the policy of the Englewood Police Department to petition for and serve extreme risk protection orders in compliance with state law, and to properly account for prohibited items obtained by the Department pursuant to such orders.

### 346.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Chief of Police will appoint an extreme risk protection order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members. Procedures should include (CRS § 13-14.5-103; CRS § 13-14.5-104):
  1. For temporary extreme risk protection orders, that a search warrant shall be sought concurrently with any petition.
  2. A process for handling notices received from non-law enforcement petitioners to determine whether department attendance at a hearing is appropriate.
  3. Involving agency counsel as required.
  4. Making required state court administrator forms available (CRS § 13-14.5-114).
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
  1. Whether threats have been made, and if so, whether the threats are credible and specific.
  2. Whether the potential victim is within close proximity.
  3. Whether the person has expressed suicidal tendencies.
  4. Whether the person has access to firearms.

# Englewood Police Department

Englewood PD Policy Manual

## *Extreme Risk Protection Orders*

---

5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
  6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to self or others.
  7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CRS § 13-14.5-103 and CRS § 13-14.5-106. Procedures should include (CRS § 13-14.5-106):
1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service and Operations Planning and Deconfliction policies).
    - (a) Additional time to allow for the proper and safe planning and execution of the court order may be requested, if needed.
  2. Forwarding orders, receipts, and other required notices to the Records Manager for recording in appropriate databases and required notice to the court, as applicable (CRS § 13-14.5-108).
  3. Developing a process for achieving timely service of orders.
- (d) Coordinating with the Professional Standards Bureau Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order to ensure compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept surrendered prohibited items at times other than when an order is being served by the department.
1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Developing a process for receiving and reviewing notices from the court that a respondent of an extreme risk protection order has failed to make required filings and determining whether there is evidence that the respondent has failed to surrender any prohibited items (CRS § 13-14.5-108).

### **346.4 EXTREME RISK PROTECTION ORDERS**

An officer who reasonably believes that an extreme risk protection order is appropriate should obtain approval from an appropriate supervisor and the risk protection order coordinator or authorized designee prior to seeking an order.



# Englewood Police Department

Englewood PD Policy Manual

## *Extreme Risk Protection Orders*

---

### 346.4.1 STANDARDS

Extreme risk protection orders may be appropriate if a person poses a significant risk of causing personal injury to him/herself or others by having a firearm in his/her custody or control (CRS § 13-14.5-104). If a person poses a significant risk of causing personal injury to him/herself or others in the near future by having a firearm in his/her custody or control, a temporary extreme risk protection order may be appropriate (CRS § 13-14.5-103).

### 346.4.2 REQUIREMENTS OF PETITION

An application for an extreme risk protection order should be prepared, filed, and served consistent with state law and the procedures developed by the extreme risk protection order coordinator (CRS § 13-14.5-103; CRS § 13-14.5-104).

### 346.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the issuance of an extreme risk protection order, officers should make a reasonable good-faith effort to provide notice to a family or household member of the person named in the order and to any other person who may be at direct risk of violence. Officers should also provide family or household members with referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources (CRS § 13-14.5-105).

Officers should document all efforts to provide notice and indicate whether or not the efforts were successful.

## **346.5 SERVICE OF ORDERS**

Officers shall serve a copy of an extreme risk protection order, along with any accompanying notice of hearing and petition, as applicable, on the person named in the order as soon as practicable.

Service of orders shall take precedence over the service of other orders, except for orders of a similar emergency nature (CRS § 13-14.5-103; CRS § 13-14.5-105; CRS § 13-14.5-106).

### 346.5.1 ADDITIONAL SERVICE REQUIREMENTS

If officers are not able to complete service within five days, they should make reasonable attempts to notify the petitioner and gather additional information of the respondent's potential whereabouts (CRS § 13-14.5-106).

A notice providing referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources should be provided to the person being served with a temporary extreme risk protection order at the same time as service of the order (CRS § 13-14.5-103).

### 346.5.2 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protection order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

# Englewood Police Department

Englewood PD Policy Manual

## *Extreme Risk Protection Orders*

---

In no circumstances should fewer than two officers be present when an order is being served.

### **346.5.3 SURRENDER OF PROHIBITED ITEMS**

Officers serving an extreme risk protection order should request that the named person immediately surrender all prohibited items as required by the order. Officers shall take custody of any items surrendered pursuant to the order.

A receipt identifying all surrendered items shall be prepared by the officers and a copy given to the person (CRS § 13-14.5-108). The officers should ensure the original receipt is included in the original case report and forwarded to the Records Manager as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Policy.

### **346.5.4 SEARCH WARRANTS**

Officers should consider whether a search warrant may be reasonably necessary prior to attempting service of an order.

Officers should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if an officer serving an extreme risk protection order reasonably believes there are prohibited items within the person's custody, control, or possession that have not been surrendered (CRS § 13-14.5-103; CRS § 16-3-301.5; CRS § 13-14.5-108).

### **346.6 RELEASE OF PROHIBITED ITEMS**

Any person requesting the release of any prohibited items in Department custody pursuant to an extreme risk protection order should be referred to the Property and Evidence Section.

### **346.7 RENEWAL OF EXTREME RISK PROTECTION ORDER**

The Criminal Investigations Bureau supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (CRS § 13-14.5-107).

## Body Worn Cameras

### 347.1 PURPOSE AND SCOPE

The Englewood Police Department will equip officers with body worn camera systems and allow officers to use dedicated audio/video recording devices. The audio and video recording systems are designed to assist and complement officers in the performance of their duties. The recording systems are used to record certain duty related activities, thereby creating a visual and/ or audio record of the incident as a supplement to the officer's report.

It is the purpose of this policy to provide officers with guidelines for the use of recording devices. This policy is not intended to describe every possible situation where the systems may be used; however, there are many situations where the use of the systems is required.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Englewood Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 347.2 POLICY

The Englewood Police Department will provide Officers with audio/video recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Englewood Police Department by capturing contacts between Officers of the Englewood Police Department and the community. This allows for more complete and timely reporting of information as well as increases transparency of police actions.

### 347.3 OFFICER PRIVACY EXPECTATIONS

All recordings made by Officers acting in an official capacity will remain the property of the Englewood Police Department regardless of whether those recordings were made with department issued or personally owned recorders. Officers will have no expectation of privacy or ownership interest in the content of these recordings.

### 347.4 OFFICER OPERATION REQUIREMENTS

Prior to going into service, officers will test their equipment. Officers will test the audio and video system operation in accordance with manufacturer specifications and departmental training at the start of each shift. Testing includes:

- (a) Verifying That the camera/recording device is functional.
- (b) Verifying that the device has an adequate power source.
- (c) Ensuring that the device properly placed/affixed for optimal use.
- (d) Documenting officer information, if system being used requires it.
- (e) Securing, at the end of duty period, the body worn and charging in accordance with manufacturer specifications and departmental training.

# Englewood Police Department

Englewood PD Policy Manual

## *Body Worn Cameras*

---

- (f) Documenting and removing, from service any camera/recording device that is not functioning properly.
- (g) Affixing recorders to the uniform or belt in accordance with department training.

### **347.5 PROCEDURES FOR RECORDING DEVICES USE**

Recording equipment is issued to all sworn personnel. All sworn Officers must use the equipment unless otherwise authorized by supervisory personnel. Officers engaging in off-duty assignments will also adhere to this policy while fulfilling the off-duty obligation in any capacity for the Department.

A) Officers will use only portable recorders issued by this department. The portable recording equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.

B) Officers will complete an agency approved and/or provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and incorporation of changes, updates, or other revisions in policy and equipment.

C) Issued portable recording equipment is the responsibility of individual Officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions will be brought to the attention of the Officer's supervisor as soon as possible so that a replacement unit may be procured.

D) Officers will inspect and test the portable recorder prior to each shift in order to verify proper functioning and will notify their supervisor of any problems.

E) Officers will not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner captured recordings without prior written authorization and approval of the Chief or Police or his designee.

F) Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

Whenever an Officer believes that a recorded contact may lead to a complaint, they will bring the recording to the attention of their supervisor as soon as practical. If no crime report or supplementary report is being prepared, details of the contact may be documented via an information report or memorandum.

## *Body Worn Cameras*

---

### **347.6 ACTIVATION OF RECORDING DEVICES**

Body worn cameras shall be activated when responding to a call for service or during any interaction with the public initiated by the officer, whether consensual or non-consensual, for the purposes of enforcing the law or investigating possible violation of the law. This includes entering into a premises for the purposes of enforcement the law or in response to a call for service, during a welfare check (except a motorist assist). The camera does not need to be activated when en route to a call for service, but should be turned on shortly before the officer approaches the scene.

An officer may turn off the body worn camera in the following circumstances :

1. to avoid recording personal information that is not case related:
2. when working on an unrelated assignment:
3. when there is a long break in the incident:t:
4. in administrative, tactical and management discussions when civilians are not present.

At no time is an Officer expected to jeopardize his/her safety in order to manually activate a portable recorder or change the recording media. However, the recorder will be activated as soon as practicable. Additional arriving Officers that are equipped with portable audio/visual recorders will activate them and begin recording at the time the call for service is received and continue to record until the Officers leave the scene.

If an Officer fails to activate the portable recorder, fails to record the entire contact, or interrupts the recording, the officer will document why a recording was not made, was interrupted, or was terminated.

Civilians will not be allowed to review recordings at the scene and will be referred to the Records Unit to obtain copies in accordance with the Records Retention, Redaction and Release policy.

### **347.7 VICTIM AND WITNESS STATEMENTS**

When conducting an investigation, Officers will record the crime victim or witness' statement with the body-worn camera. The recording may be valuable evidence that contributes to or compliments an investigation. While evidence collection is important, the Department also recognizes it is important for officers to maintain credibility with people wanting to share information with law enforcement.

On occasion, Officers may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, Officer will continue to develop rapport with the individual while balancing the need for evidence collection with the individual's request for privacy.

Should Officers use discretion and not record the crime victim or witness statement with the body-worn camera, Officers will document the reason for not fully recording the statement with the body-worn camera. In these instances, Officers should still record with an audio recorder.

## *Body Worn Cameras*

---

### **347.8 SURREPTITIOUS USE OF THE RECORDING DEVICES**

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303).

Officers may secretly record any conversation during the course of a criminal investigation in which the Officer reasonably believes that such a recording will be lawful and beneficial to the investigation.

Officers will not secretly record another department Officer without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

### **347.9 PROHIBITED USE OF RECORDING DEVICES**

Officers are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created

Officers are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Officers will not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings will be retained at the Department.

Officers are prohibited from using personally owned recording devices while on duty without the express consent of the Shift Sergeant. Any Officer who uses a personally owned recorder for department-related activities will comply with the provisions of this policy, including retention and release requirements.

Recording Devices will not be used to record:

- A) A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation.
- B) During tactical briefings, or the discussion of safety and security procedures.
- C) Undercover officers, except in the course of criminal investigation.
- D) Strip Searches.
- E) Public or private locker rooms, changing rooms, restrooms, unless recording police actions.
- F) Doctor's or lawyer's offices, unless recording police actions.
- G) Medical or hospital facilities, unless recording police actions.
- H) Other places where individuals unrelated to the investigation are present and would have a reasonable expectation of privacy, unless recording police actions.

### **347.10 DOCUMENTING PORTABLE AUDIO/VIDEO RECORDER USE**

When any incident is recorded with either the video or audio system, the existence of that recording will be documented in the Officer's report. If a citation is issued, whether hand written or electronic, the Officer will indicate in the notes section of the citation that the incident was recorded.

## *Body Worn Cameras*

---

### **347.11 REVIEW OF RECORDINGS**

All recording media, recorded images, and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, media will not be copied, viewed, or otherwise inserted into any device not approved by the Department. When reasonably possible, a copy of the original media will be used for viewing (unless otherwise directed by the courts) to preserve the original media in pristine condition.

Recordings may be reviewed in any of the following situations:

- A) By the recording Officer for use when preparing reports or statements, or for court testimony.
- B) By a supervisor investigating a specific act of officer conduct.
- C) To assess proper functioning of recording systems.
- D) By department personnel who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or criminal investigation.
- E) By an Officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment unless restricted due to an ongoing criminal or personnel investigation involving the Officer. Consultation may occur between the department and legal advisors.
- F) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.
- G) By the public through proper process or with permission of the Chief of Police or the authorized designee.
- H) To assess for possible training value.
- I) Recordings may be shown for training purposes. If an involved Officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the Officer's objection.
- J) For auditing purposes described below.

In no event will any recording be used for the purpose of ridiculing or embarrassing any employee or other person.

When preparing written reports, Officers will review their recordings as a resource. However, Officers will not retain personal copies of recordings. Officers will not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the Officer's performance.

Recorded files may also be reviewed:

- A) Upon approval by a supervisor, by any Officer of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, or criminal investigation.

## *Body Worn Cameras*

---

- B) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- C) By media personnel with permission of the Chief of Police or the authorized Designee
- D) Field Training Officers (FTO) and the FTO Supervisor may view body-worn camera files to evaluate the performance of an officer in the Field Training Program.

### **347.12 DELETION OF UNINTENTIONAL RECORDINGS**

In the event of an unintentional activation of a portable audio/video recorder during a non-enforcement or non-investigative activity, including but not limited to; rest room, meal break, or other areas where a reasonable expectation of privacy exists, enforcement Officers may request the recording to be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief of Police or designee and the other party will be the Custodian of Records.

### **347.13 RETENTION AND CLASSIFICATION OF RECORDINGS**

Any time an Officer records any portion of a contact that the Officer reasonably believes constitutes evidence in a criminal case, the Officer will record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers will occur at the end of the Officer's shift, or sooner, in the event that the storage time is nearing its capacity or as requested by a supervisor. A supervisor may waive the requirement when specific circumstances exist that would make the transfer of data impractical.

Any time an Officer reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact); the Officer will promptly notify a supervisor of the existence of the recording.

All images and sounds recorded by a portable recorder are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

All access to portable recorder data (images, sounds, and metadata) must be specifically authorized by the Chief of Police or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

#### **347.13.1 RETENTION REQUIREMENTS**

Files will be securely stored in accordance with the Englewood Police Department's records retention schedule and no longer than useful for purposes of training or for use in an investigation or prosecution.



# Englewood Police Department

Englewood PD Policy Manual

## *Body Worn Cameras*

---

### 347.13.2 CLASSIFICATION AND RETENTION OF BODY WORN CAMERA RECORDINGS

When an officer completes a recording, the officer will classify the recording. To ensure proper documentation of the recording, officers will classify the recording prior to their end of watch or seek permission from their immediate supervisor to classify the recording the following day. Immediate supervisors will conduct daily spot checks the recording to ensure officers are properly categorizing the recordings.

Classifications of recordings will serve to assist in locating the recording and each classification will have an established retention time. Any recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational needs. Classifications, descriptions and retention are as follows:

#### CALL FOR SERVICE - 3 years

- All events that are not captured by any of the following tags. Examples include civil standbys, welfare checks, suspicious persons/vehicles, etc.

#### ADMINISTRATIVE - 1 year

- Pre-trip inspection, training, accidental activation

#### TRAFFIC - 3 years

- Summons (Municipal or County), Accidents (property damage or minor injury)

#### WARNING - 1 year

- Criminal or Traffic warning

#### MISDEMEANOR - 3 years

- Any incident involving a Municipal Code violation or Misdemeanor crime

#### FELONY - 10 years

- Any incident involving a Felony crime (including S.B.I/Fatal traffic accidents)

#### PERMANENT - Permanent

- Homicide, Death Investigations, Kidnapping, Officer Involved Shootings/Deaths, Sexual Assault, Forgery, Missing Persons (not runaways)

#### USE OF FORCE - 10 years

Any incident that would require an officer to file a report on "Blue Team" (regardless of the circumstances or call type/video tag)

# Englewood Police Department

Englewood PD Policy Manual

## *Body Worn Cameras*

---

### **347.14 EXPLOSIVE DEVICE**

Many Recording devices, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices will not be used where an explosive device may be present.

### **347.15 ADMINISTRATIVE AUDIT OF BODY WORN CAMERAS**

It is not the intent of the Englewood Police Department to review body-worn camera files for the purpose of general performance review of individual officers or to proactively discover policy violations.

Supervisors and Internal Affairs personnel may, however, access body-worn camera files for administrative investigations limited to the specific complaint against the officer. Supervisors will, however, on a reasonable basis; review body-worn camera files to ensure that body-worn camera equipment is functioning properly and officers are adhering to Englewood Police Department body-worn camera procedures. Inadvertent discovery of other allegations during this review will require the supervisor or Internal Affairs personnel to articulate the reason for expanding the scope of the investigation.

Supervisors who inadvertently discover minor, non-criminal policy violations will continue to have discretion to resolve the violation with training or informal counseling. Will the policy violation rise to the level of more formal discipline; the supervisor will adhere to policies set forth in Policy.

An audit will be created of any uncategorized video files on the system and sent to the responsible officer for correction.

## Community Relations/Crime Prevention

### 348.1 POLICY

It is the policy of the Englewood Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

### 348.2 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions, Contacts and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Dispatch Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Dispatch Center of their location and status during the foot patrol.

### 348.3 COMMUNITY RELATIONS/CRIME PREVENTION SPECIALIST

The Chief of Police or the authorized designee should designate a member of the Department to serve as the Community Relations/Crime Prevention Specialist . He/she should report directly to the Chief of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, department members and other community resources to:
  1. Identify and solve public safety problems within the community.
  2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

# Englewood Police Department

## Englewood PD Policy Manual

### *Community Relations/Crime Prevention*

---

- (d) Working with the Patrol Division Chief, and all Divisions of the Police Department to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending City council and other community meetings to obtain information on community relations needs.
- (g) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (h) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (i) CPTED crime prevention surveys for both businesses and residences that have been victimized.
- (j) Manage citizen's academies, Coffee with a Cop, Christmas programs.
- (k) Assist with emergency preparedness in conjunction with the Fire Marshal's Office and the Arapahoe County Emergency Manager.
- (l) Public education outreach regarding Police, Code Enforcement, and the Fire Marshal's office issues.
- (m) Manage Police Department social media

#### **348.4 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The Community Relations/Crime Prevention Specialist should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) , Youth based citizen academy, etc... ).
- (b) Police-community get-togethers (e.g., community events).
- (c)
- (d) School resource officer
- (e) Crime prevention and Fire Prevention programs.

#### **348.5 INFORMATION SHARING**

The Community Relations/Crime Prevention Specialist should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.

# Englewood Police Department

Englewood PD Policy Manual

## *Community Relations/Crime Prevention*

---

- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

### **348.6 LAW ENFORCEMENT OPERATIONS EDUCATION**

The Community Relations/Crime Prevention Specialist should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

### **348.7 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

### **348.8 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The Community Relations/Crime Prevention Specialist should work with members of

# Englewood Police Department

Englewood PD Policy Manual

## *Community Relations/Crime Prevention*

---

the community, as well as City Leadership to identify information that may increase transparency regarding department operations.

### **348.9 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

#### **348.9.1 STATE-MANDATED TRAINING**

The Professional Standards Bureau Sergeant is responsible for ensuring that members attend community policing and community partnership training as required by CRS § 24-31-315.

## Chapter 4 - Patrol Operations

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Englewood Police Department and to ensure intraorganizational cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. Each vehicle used primarily for general patrol service will be equipped with (1) red and/or blue and/or white mounted lights; (2) a siren; (3) a mobile radio transceiver; and (4) a mobile data terminal. They will patrol assigned jurisdictional areas of Englewood, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between Patrol and other divisions within the Department, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Response to disasters, civic unrest and natural emergencies.
- (k) Assist in the service of civil papers.

#### 400.1.2 TERRORISM

The Office of Preparedness and Security (OPS) coordinates Colorado's response to terrorism (CRS § 24-33.5-1601(1)(g); CRS § 24-33.5-1606).

It is the goal of the Englewood Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic



# Englewood Police Department

Englewood PD Policy Manual

## *Patrol Function*

---

terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report.

The supervisor should ensure that all terrorism-related reports are forwarded to the Criminal Investigations Bureau supervisor in a timely fashion.

The Criminal Investigations Bureau supervisor should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Englewood Police Department.

#### **400.2.1 CRIME ANALYSIS**

Crime Analysis information will be provided to members by the crime analysis committee using information obtained from various sources to include analytical tools, Records Bureau, Criminal Intelligence Detectives, and personnel assigned to special assignments. Timely, actionable information will be provided to all divisions within the Department through summary reports and special bulletins.

#### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

#### **400.2.3 PATROL BRIEFINGS**

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings at the beginning of each watch, as time permits.

### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

# Englewood Police Department

Englewood PD Policy Manual

## *Patrol Function*

---

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

### **400.4 ACTIVATION OF THE ENGLEWOOD TACTICAL TEAM**

Activation of the tactical team takes precedence over all other assignments within the Englewood Police Department. Members who are assigned to the team become subordinate to the tactical team commander until the commander determines that the activation is over.

The tactical team may be activated at the discretion of any member of the police command staff.

A request to activate the Tactical Team is made through the Communications Center. The Communications Center will immediately notify the Tactical Team via the Emergency Notification System. This notification will include the nature of the incident, response location, and any special instructions. The Emergency Notification System database shall contain primary and alternate contact information for all Tactical Team Members and Command Staff. The Emergency Notification System records message acknowledgements which are available for review in the Communications Center.

Special Operations Vehicles - The Special Operations and Codes vehicles consist of the Mobil Command Center, Personnel Vehicle, and Equipment Vehicle. These vehicles are parked and secured at an appropriate city controlled facility. These vehicles may be operated only by specifically trained individuals.

---

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Englewood Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (CRS § 24-31-309).

### 401.2 POLICY

The Englewood Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

Officers shall provide, without being asked, a business card to any person who was detained on a traffic stop and was not cited or arrested. The business card shall include identifying information including, but not limited to, the officer's name, division, and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, either positive or negative, regarding the traffic stop (CRS § 24-31-309(4)(a)).

# Englewood Police Department

Englewood PD Policy Manual

## *Bias-Based Policing*

---

### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

After making a consensual or nonconsensual contact for the purpose of enforcing the law or investigating possible violations of the law, officers should complete a report as required by CRS 24-31-309. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### 401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal, (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### 401.6 STATE REPORTING

The Department shall compile, on at least an annual basis, any information derived from complaints of profiling that are received due to the distribution of business cards as provided in this policy. The information shall be made available to the public but shall not include the names of officers or the names of persons alleging profiling (CRS § 24-31-309).

# Englewood Police Department

Englewood PD Policy Manual

## *Bias-Based Policing*

---

### **401.7 ADMINISTRATION**

Each year, the Patrol Division Chief should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the information compiled from complaints, as provided in this policy and the annual report, and discuss the results with those they are assigned to supervise.

### **401.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Bureau.

All certified members will attend regular training on the subject of bias-based policing (CRS § 24-31-309). All newly employed officers should receive a copy of this policy and initial training on the subject of bias-based policing.

### **401.9 PUBLIC INFORMATION**

The Patrol Division Chief will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

## Roll Call

### 402.1 PURPOSE AND SCOPE

Roll Call is generally conducted at the beginning of the officer's assigned watch. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct roll call. However, officers may conduct roll call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### 402.2 ROLL CALL AND ROLL CALL TRAINING

Roll Call and roll call training is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Roll Call and roll call training should incorporate short training segments on a variety of subjects and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Reviewing recent incidents for training purposes.

### 402.3 PREPARATION OF MATERIALS

The supervisor conducting roll call and/or roll call training is responsible for the collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

### 402.4 RETENTION OF ROLL CALL AND ROLL CALL TRAINING RECORDS

Roll Call information and roll call training materials, to include a curriculum or summary, shall be forwarded to the Professional Standards Bureau Sergeant for inclusion in training records, as appropriate.

---

## Crime and Disaster Scene Integrity

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 403.2 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 403.3 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 403.4 POLICY

It is the policy of the Englewood Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## *Crime and Disaster Scene Integrity*

---

### **403.5 SEARCHES**

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **403.5.1 CONSENT**

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.



## Englewood Tactical Team

### 404.1 PURPOSE AND SCOPE

The Englewood Tactical Team (SWAT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

#### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Englewood Tactical Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to Department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

#### 404.1.2 SWAT TEAM DEFINED

**SWAT Team** - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

### 404.2 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

### 404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

### 404.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing
- (b) Team organization and function
- (c) Personnel selection and retention criteria
- (d) Training and required competencies
- (e) Procedures for activation and deployment
- (f) Command and control issues, including a clearly defined command structure
- (g) Multi-agency response
- (h) Extrajurisdictional response
- (i) Specialized functions and supporting resources

### 404.2.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

- (a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).
  - 1. All SWAT team members should have an understanding of operational planning.
  - 2. SWAT team training should consider planning for both spontaneous and planned events.
  - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

1. When reasonably possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator should be defined.
- (f) A standard method of determining whether a warrant should be regarded as high risk should be developed.
- (g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) The elements of post-incident scene management should include:
  1. Documentation of the incident.
  2. Transition to investigations and/or other units.
  3. Debriefing after every deployment of the SWAT team.
    - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
    - (b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.
    - (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis should be included.
- (j) Standardization of equipment should be addressed.

### **404.3 TRAINING NEEDS ASSESSMENT**

The SWAT/SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

### 404.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

### 404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

### 404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

### 404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 60 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 60 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 60-day period shall be considered as having failed to attain a qualifying score for that test period.

# Englewood Police Department

Englewood PD Policy Manual

## Englewood Tactical Team

---

(d) see 0404.3.5. SWAT members shall be required to participate in a qualification training program. The qualification program shall be based on the minimum standards set forth in the Department's Training Manual. Team members who fail to qualify within 30 days of the end of the training program shall be required to attend remedial training. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

### 404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

### 404.3.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

### 404.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Professional Standards Bureau. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

## 404.4 UNIFORMS, EQUIPMENT AND FIREARMS

### 404.4.1 UNIFORMS

SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 404.4.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

### 404.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be department-issued or approved, including any modifications, additions or attachments.

### 404.4.4 OPERATIONAL READINESS INSPECTION

The commander of the SWAT shall appoint a SWAT supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

## 404.5 MANAGEMENT/SUPERVISION OF ENGLEWOOD TACTICAL TEAM

The commander of the SWAT shall be selected by the Chief of Police upon recommendation of the staff.

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

### 404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police the Englewood Tactical Team shall be managed by the appointed SWAT commander.

### 404.5.2 TEAM SUPERVISORS

The CNT and each SWAT team will be supervised by a team leader who has been appointed by the SWAT commander.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by the staff and the SWAT commander.

The following represent supervisor responsibilities for the Englewood Tactical Team:

- (a) The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the SWAT commander.
- (b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT commander.

## **404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

### 404.6.1 SELECTION OF PERSONNEL

Interested certified personnel, who are off probation, shall submit a request to their appropriate Division Chief. A copy will be forwarded to the SWAT commander and the CNT sergeant. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SWAT commander, the CNT sergeant and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by their performance
- (b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process
- (c) Effective communication skills to ensure success as a negotiator
- (d) Special skills, training or appropriate education as it pertains to the assignment
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The oral board shall submit a list of successful applicants to the ETT Commander for final selection.

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

### 404.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

### **404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

#### 404.7.1 SELECTION OF PERSONNEL

Interested certified personnel who are off probation shall submit a request to their appropriate Division Chief, a copy of which will be forwarded to the SWAT commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT commander. The testing process will consist of an oral board, physical agility test, a SWAT basic handgun course and a team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SWAT commander. Applicants will be evaluated by the following criteria:
  - 1. Recognized competence and ability as evidenced by their performance
  - 2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member
  - 3. Special skills, training or appropriate education as it pertains to the assignment
  - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT commander in collaboration with the Department of Human Resources. A minimum qualifying score shall be attained by the applicant to be considered for the position.

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

- (c) SWAT basic handgun course: Candidates will be invited to shoot a qualifying course approved by the Range Master and must have a minimum qualifying score of 90 percent of a possible total score.
- (d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to the staff by the SWAT commander for final selection.

### 404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

### **404.8 OPERATIONAL GUIDELINES FOR ENGLEWOOD TACTICAL TEAM**

The following procedures serve as guidelines for the operational deployment of the Englewood Tactical Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT commander.

#### 404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Englewood Tactical Team should respond. Upon final determination by the Patrol Supervisor, the SWAT commander will be notified.

#### 404.8.2 APPROPRIATE SITUATIONS FOR USE OF A ENGLEWOOD TACTICAL TEAM

The following are examples of incidents that may result in the activation of the Englewood Tactical Team:

- (a) Barricaded suspects who refuse an order to surrender
- (b) Incidents where hostages have been taken
- (c) Cases of suicide threats
- (d) Arrests of persons reasonably believed to be dangerous
- (e) Any situation in which SWAT or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property



# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

### 404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Patrol Supervisor. Deployment of the Englewood Police Department Englewood Tactical Team in response to requests by other agencies must be authorized by a member of command staff.

### 404.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

- (a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.
- (b) Members of the Englewood Police Department SWAT team shall operate under the policies, procedures and command of the Englewood Police Department when working in a multi-agency situation.

### 404.8.5 MOBILIZATION OF ENGLEWOOD TACTICAL TEAM

The on-scene supervisor shall make a request to a member of command staff for the ETT to respond. The authorizing command staff member shall then notify the ETT commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in communications by the ETT commander. A notification to the remaining members of command staff should be made as soon as practicable.

The ETT commander should be briefed with the following information if available:

- (a) The number of suspects, known weapons and resources
- (b) If the suspect is in control of hostages
- (c) If the suspect is barricaded
- (d) The type of crime involved
- (e) If the suspect has threatened or attempted suicide
- (f) The location and safe approach to the command post
- (g) The extent of any perimeter and the number of officers involved
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The ETT commander shall then call selected officers to respond.

### 404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Englewood Tactical Team, field personnel should, if safe, practicable and if sufficient resources exist:

# Englewood Police Department

Englewood PD Policy Manual

## *Englewood Tactical Team*

---

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish a patrol emergency arrest/response team prior to SWAT arrival. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a lethal threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the SWAT commander on the situation.
- (g) Plan for and stage anticipated resources.

### 404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Englewood Tactical Team, the Incident Commander shall brief the SWAT commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT commander, whether to deploy the Englewood Tactical Team. Once the Incident Commander authorizes deployment, the SWAT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Englewood Tactical Team. The Incident Commander and the SWAT commander or the authorized designee shall maintain communications at all times.

### 404.8.8 COMMUNICATION WITH ENGLEWOOD TACTICAL TEAM PERSONNEL

All persons who are non-Englewood Tactical Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the CNT sergeant or the authorized designee.

## CANINE POLICE USE

### 405.1 USE OF POLICE CANINES

On occasions when tactical circumstances require, a field supervisor may request the assistance of a trained police canine and its handler from another jurisdiction. However, other than for prearranged explosive or narcotics detection, requests for police canine assistance should be limited to searching or tracking in specific or confined areas where suspects or missing people are believed to be located. When deciding whether the use of a police canine is appropriate, consideration should be given to the following:

- Nature of the incident - missing person, search for a suspect, narcotics, explosives, crowd control, etc.
- The capabilities and training of the police canine and handler, are they trained for the type of incident at hand?
- Likelihood that the use of the police canine will be successful - did the suspect leave behind a scent marker?
- What is the time frame from the incident until the police canine can arrive?
- Number of police personnel required to hold the scene until the police canine can arrive.
- Possibility of innocent persons in the area to be searched.

To assist when requesting assistance from other agencies, Communications personnel will maintain a list of metro area jurisdictions that have police canines available. This list will include the capabilities of the police canines and their handlers.

In any situation where a police canine and handler are utilized within the City of Englewood, the ranking supervisor on scene has final responsibility and authority regarding tactical objectives and general methods of utilization of the canine and its handler. The supervisor will consult with the handler, and be informed as to the handler's knowledge, policies, training, and perspective on the situation. Such consultation not only should take place prior to commencing the dog's activities, but throughout its activities. The supervisor may halt further use of the police canine at any time. The supervisor will assign at least one Englewood officer to accompany the police canine and handler during the search.

Deployment of police canine is considered a use of force and must be documented as such.

Use of police dogs for any other purpose requires approval of a command staff officer.

## Ride-Alongs

### 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Englewood Police Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

### 406.2 POLICY

Ride-along opportunities will be provided to members of the public, City employees, and members of this department to observe and experience, first-hand, various functions of the Englewood Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as the Dispatch Center.

### 406.3 ELIGIBILITY

A ride-along is available to Englewood residents and business owners, students currently attending class in Englewood, and those employed within the City of Englewood. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the City.
- Denial by any supervisor.

### 406.4 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10 a.m. to 11 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or Patrol Supervisor.

### 406.5 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Cadets
- Explorers
- Volunteers
- Chaplains

# Englewood Police Department

## Englewood PD Policy Manual

### *Ride-Alongs*

---

- Reserves
- Auxiliaries
- Englewood Police Department applicants
- Any others with approval of the Patrol Supervisor
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Cadets and Explorers are covered in the Police Cadets and Explorers Policy.

#### **406.5.1 OFF-DUTY PARTICIPATION**

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Patrol Supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent him/herself as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

#### **406.5.2 CRIMINAL HISTORY CHECK**

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Colorado Crime Information Center (CCIS) and National Crime Information Center (NCIC) criminal history check prior to approval of the ride-along.

#### **406.5.3 SUITABLE ATTIRE**

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse, or jacket; slacks; and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Patrol Supervisor. The Patrol Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

#### **406.6 REQUESTS TO PARTICIPATE**

Generally, ride-along and job observation requests will be maintained and scheduled by the Patrol Supervisor. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver

# Englewood Police Department

Englewood PD Policy Manual

## *Ride-Alongs*

---

form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address, and telephone number.

The Patrol Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate Division as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

### **406.7 MEMBER RESPONSIBILITIES**

The assigned department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handing any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
  - 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the [dispatcher] that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The [dispatcher] will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Patrol Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

# Englewood Police Department

Englewood PD Policy Manual

## *Ride-Alongs*

---

Upon completion of the ride-along, the member shall return the waiver form to the Patrol Supervisor.

---

## Hazardous Material Response

### 407.1 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potential hazardous material from a safe distance.
- (b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.
- (d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:
  1. Placards and use of the Emergency Response Guidebook.
  2. Driver's statements or shipping documents from the person transporting the material.
  3. Information obtained from any involved person with knowledge regarding the hazardous material.
- (e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:
  1. The identity of the material.
  2. How to secure and contain the material.
  3. Any other information to protect the safety of those present, the community and the environment.



# Englewood Police Department

Englewood PD Policy Manual

## *Hazardous Material Response*

---

- (f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (g) Provide first aid to injured parties if it can be done safely and without contamination.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (j) Establish a decontamination area when needed.
- (k) Contact the local Colorado State Patrol Dispatch to request assistance from the Colorado State Patrol Hazardous Materials Unit.
- (l) If available, activate reverse 9-1-1 calling to the affected area.

### 407.1.1 RESPIRATORY PROTECTION PROGRAM

The purpose of this Respiratory Protection Program is to minimize the risk of occupational related respiratory injury/illness to the employees of the Englewood Police Department. It provides guidance for compliancy with EPA 40 CFR 300.150, and subsequent regulations pertaining to respiratory personal protective equipment (PPE). In theory, equipment and work activities should be engineered, designed and administratively controlled in such a manner that respiratory PPE would not be necessary. However, with the unique nature of hazards faced by first responders, within various hazardous or potentially hazardous environments, and with tasks that must be performed often in remote locations, it is not possible to engineer or administratively control all hazardous atmospheric conditions expected to be encountered. Therefore, the Englewood Police Department has recognized the importance of respiratory protection required to properly protect its officers, and supports compliance with OSHA 29 CFR 1910.134 (Respiratory Protection), by enacting this program.

### 407.1.2 PPE PROGRAM APPLICATION

This program covers responsibilities, equipment selection, medical screening, fit testing, training, use and maintenance of respirators to be worn by:

1. Officers who are issued respirators to be used for escape from hazardous atmospheres.
2. Officers who are issued respirators to be used while maintaining perimeters at hazardous materials incidents. These officers who will be stationed in the support ("cold" or "green") zone, where contaminants are not expected to exceed levels deemed safe for unprotected persons, as determined by the incident commander.
3. Officers who are issued respirators for use in maintaining the perimeter at crowd-control incidents where chemical agents (e.g., CS or CN tear gas) are used.

# Englewood Police Department

## Englewood PD Policy Manual

### *Hazardous Material Response*

---

4. Officers who, in exigent or emergency situations, are required to enter an area that contains an identified hazardous atmosphere.

5. Non-commissioned personnel as determined by the Englewood Police Department.

This policy does not include personnel assigned to multi-agency units with their own respiratory protection policy. This includes any other local, state or federal multi-agency units. Personnel so assigned will comply with the respiratory protection guidelines of the units to which they are assigned. If there are conflicts or concerns with the multi-agency's policy, personnel are encouraged to bring those concerns or conflicts to the attention of their Englewood Police Department supervisor.

If a multi-agency unit does not have a respiratory protection policy, personnel will comply with this policy.

#### 407.1.3 AGENCY RESPONSIBILITIES

The Englewood Police shall have primary responsibility to:

Provide and make readily available a written Respiratory Protection Program policy.

Provide support of such policy with required funding and resource allocation.

Identify a suitable agency representative to act as the department's Respiratory Program Administrator.

Provide appropriate and approved respiratory protection equipment, making it readily available to employees.

Provide for initial and annual training on the proper use, care, and limitations of PPE to their employees.

Provide for medical evaluations and respirator fit testing per this policy.

#### 407.1.4 SUPERVISOR RESPONSIBILITIES

Agency supervisors have primary responsibility for implementation of the program to their subordinates, to include:

Ensuring appropriate Respiratory PPE is provided and made available in the field.

Ensuring employees are trained on the proper use, care, and limitations of respiratory PPE.

Ensure defective, damaged, or expired equipment is immediately replaced.

Ensure that appropriate respiratory PPE equipment is used as required when in the field.

#### 407.1.5 OFFICER/EMPLOYEE RESPONSIBILITIES

The officer is responsible for following the requirements of the program to include:

Attend required training sessions and pass required testing.

Wear respiratory PPE as required.

# Englewood Police Department

Englewood PD Policy Manual

## *Hazardous Material Response*

---

Care for, clean, and maintain respiratory PPE as directed.

Inform supervisors of the need to repair or replace respiratory PPE.

### **407.2 REPORTING EXPOSURE**

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee and supervisor in an employee accident injury form, which shall be forwarded via chain of command to the Division Chief as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the notification and reporting.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

#### **407.2.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

## Hostage and Barricade Incidents

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 408.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

### 408.2 POLICY

It is the policy of the Englewood Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 408.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

#### 408.3.1 EMERGENCY COMMUNICATIONS

Any department member supervising a hostage or barricade situation in this jurisdiction may order a security employee of a communications or internet access provider to cut, reroute or divert telephone lines or a cellular or digital communications signal to prevent the suspect from communicating with any person other than a law enforcement officer (CRS § 18-9-312).

# Englewood Police Department

Englewood PD Policy Manual

## *Hostage and Barricade Incidents*

---

Any department member supervising a hostage or barricade situation may also order a telecommunication provider to disclose location information of any hostage's or other named person's telecommunications device if the supervising member reasonably believes that the time required to obtain a court order would increase the risk of death or serious bodily injury to the hostage or any person with the named person (CRS § 18-9-312). The supervising member shall ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

### **408.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **408.4.1 BARRICADE SITUATION**

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

# Englewood Police Department

## Englewood PD Policy Manual

### *Hostage and Barricade Incidents*

---

- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

#### 408.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

# Englewood Police Department

## Englewood PD Policy Manual

### *Hostage and Barricade Incidents*

---

- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **408.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander (IC) until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

# Englewood Police Department

Englewood PD Policy Manual

## *Hostage and Barricade Incidents*

---

### **408.6 CRISIS RESPONSE UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with the approval of a member of Command Staff whether to activate and deploy the SWAT during a hostage or barricade situation. Once the Command Staff member authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

#### **408.6.1 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.



## Response to Bomb Calls

### 409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Englewood Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 409.2 POLICY

It is the policy of the Englewood Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 409.3 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Englewood, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  1. No evacuation of personnel and no search for a device.
  2. Search for a device without evacuation of personnel.
  3. Evacuation of personnel without a search for a device.
  4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### 409.3.1 ASSISTANCE

The Patrol Supervisor should be notified when police assistance is requested. The Patrol Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

# Englewood Police Department

Englewood PD Policy Manual

## *Response to Bomb Calls*

---

Should the Patrol Supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

### **409.4 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.

# Englewood Police Department

Englewood PD Policy Manual

## *Response to Bomb Calls*

---

- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Patrol Supervisor including:
  1. The time of discovery.
  2. The exact location of the device.
  3. A full description of the device (e.g., size, shape, markings, construction).
  4. The anticipated danger zone and perimeter.
  5. The areas to be evacuated or cleared.

### **409.5 RECEIPT OF BOMB THREAT**

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Supervisor is immediately advised and informed of the details. This will enable the Patrol Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

### **409.6 GOVERNMENT FACILITY OR PROPERTY**

A bomb threat targeting a government facility may require a different response based on the government agency.

#### **409.6.1 ENGLEWOOD POLICE DEPARTMENT FACILITY**

If the bomb threat is against the Englewood Police Department facility, the Patrol Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### **409.6.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY**

If the bomb threat is against a county or municipal facility within the jurisdiction of the Englewood Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Supervisor deems appropriate.

#### **409.6.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

# Englewood Police Department

Englewood PD Policy Manual

## *Response to Bomb Calls*

---

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

### **409.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

#### **409.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.
- (j) Always consider the possibility of secondary devices.

#### **409.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Patrol Supervisor
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

# Englewood Police Department

Englewood PD Policy Manual

## *Response to Bomb Calls*

---

- Other government agencies, as appropriate

### 409.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

### 409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

## Civil Commitments

### 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (CRS § 27-65-106; CRS § 27-65-107).

### 410.2 POLICY

It is the policy of the Englewood Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

### 410.3 AUTHORITY

Officers may take a person into protective custody:

- (a) When the officer has probable cause to believe that a person is either gravely disabled or an imminent danger to self or others due to a mental health disorder (CRS § 27-65-106).
  - 1. The officer should transport the person to a designated or approved facility for a 72-hour treatment and evaluation.
- (b) When the officer has probable cause to believe that a person is experiencing a behavioral health crisis and in immediate need of professional intervention to prevent harm to self or others (CRS § 27-65-107).
  - 1. The officer should consult with a behavioral health crisis response team, if available, and transport the person to a designated or approved outpatient mental health facility or other clinically appropriate facility.
  - 2. The officer should provide the person to be transported an opportunity to make a telephone call, absent any safety concerns.

If an appropriate facility is not available, officers should take the person to an emergency medical services facility, as defined by CRS § 27-65-102 (CRS § 27-65-106; CRS § 27-65-107).

#### 410.3.1 DETENTION

Detention of a person under this policy does not constitute an arrest. When a person is taken into custody, that person shall not be detained in the jail, lockup, or other place used for the confinement of persons charged with an offense (CRS § 27-65-106).

#### 410.3.2 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a voluntary application.

# Englewood Police Department

Englewood PD Policy Manual

## *Civil Commitments*

---

- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### **410.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

### **410.5 TRANSPORTATION**

When transporting any individual for a civil commitment, the transporting officer should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Patrol Supervisor approval is required before transport commences.

### **410.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

# Englewood Police Department

## Englewood PD Policy Manual

### *Civil Commitments*

---

#### **410.7 DOCUMENTATION**

The officer shall complete an application for emergency admission, provide it to the facility staff member assigned to that patient, and retain a copy of the application for inclusion in the case report (CRS § 27-65-106; CRS § 27-65-107).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

#### **410.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

#### **410.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

Firearms may only be taken for safekeeping with the approval of the on duty supervisor.

The handling officer should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.



# Englewood Police Department

Englewood PD Policy Manual

## *Civil Commitments*

---

### **410.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with persons with mental health disorders, behavioral health crises, on civil commitments, and crisis intervention.

---

## Summons Releases

### 411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Englewood Police Department with guidance on when to release adults who are suspected offenders on a summons for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

### 411.2 RELEASE

A suspected offender may be released on issuance of a summons as follows:

- (a) For a misdemeanor or petty offense when the officer is satisfied that the person will comply with the requirements of the summons (CRS § 16-3-105).
- (b) For a civil infraction (CRS § 16-2.3-103).
- (c) For certain traffic violations punishable as a misdemeanor, petty offense, or misdemeanor traffic offense in accordance with CRS § 42-4-1707.
- (d) For the crimes described in CRS § 24-4.1-302(1) and for certain felonies when the local district attorney has approved criteria for the issuance of a summons unless any of the following apply (CRS § 16-5-206):
  1. There is a reasonable likelihood that the person will not appear.
  2. The person has had a felony arrest in the preceding five years.
  3. There is an allegation that the person used a deadly weapon (e.g., firearm, knife, bludgeon, any other weapon capable of producing death or serious bodily injury) in the commission of the crime.
  4. The person has an outstanding arrest warrant.

In addition, for civil infractions and certain parking violations, the officer may give the offender a penalty assessment notice and release the offender upon its terms (CRS § 16-2-201; CRS § 16-2.3-102; CRS § 42-4-1701(5)(a)). The penalty assessment notice must be a summons and complaint that contains the information required by CRS § 16-2-201, CRS § 16-2.3-102, or CRS § 42-4-1707.

### 411.3 PROHIBITIONS

The release of a suspected offender on a summons is not permitted for felony offenses, except when local district attorney has approved criteria for the issuance of a summons for non-violent offenses pursuant to CRS § 16-5-206 (CRS § 16-3-105).

See the Domestic Violence Policy for release restrictions related to those investigations.

# Englewood Police Department

Englewood PD Policy Manual

## *Summons Releases*

---

### 411.3.1 PROHIBITIONS IN CERTAIN NON-VIOLENT OFFENSES

A summons otherwise authorized pursuant to procedures approved by the local district attorney shall not be issued in lieu of a custodial arrest when an officer reasonably believes that any of the following apply (CRS § 16-5-206):

- (a) There is a reasonable likelihood that the person will not appear in court.
- (b) The defendant has had a felony arrest during the preceding five years.
- (c) There is an allegation that the defendant used a deadly weapon (e.g., firearm, knife, bludgeon, any other weapon capable of producing death or serious bodily injury) in the commission of the crime.
- (d) The person has an outstanding arrest warrant.

### 411.4 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense (CRS § 16-3-105).
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

### 411.4.1 PENALTY ASSESSMENTS

A decision to use the penalty assessment procedure shall be based upon circumstances which reasonably persuade the officer that the offender is likely or unlikely to comply with the terms of the penalty assessment notice (CRS § 16-2-201).

### 411.5 REQUESTING CASE NUMBERS

Cases involving a criminal citation and release require a case number and should be handled in accordance with the report writing manual. Traffic situations can be documented in the notes section of the citation and do not require a case number. Traffic citations related to accident investigations require case numbers.

This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

# Englewood Police Department

Englewood PD Policy Manual

## *Summons Releases*

---

### **411.6 POLICY**

The Englewood Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons, when authorized to do so.

# Foreign Diplomatic and Consular Representatives

## 412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Englewood Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 412.2 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 412.3 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

# Englewood Police Department

## Englewood PD Policy Manual

### *Foreign Diplomatic and Consular Representatives*

<b>Diplomatic Agent</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
<b>Int'l Org Staff (note b)</b>	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

# Englewood Police Department

Englewood PD Policy Manual

## *Foreign Diplomatic and Consular Representatives*

---

- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

### **412.4 ENFORCEMENT ACTION**

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
  - 4. Honorary consular officers

# Englewood Police Department

Englewood PD Policy Manual

## *Foreign Diplomatic and Consular Representatives*

---

### **412.5 POLICY**

The Englewood Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

### **412.6 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.



## Rapid Response and Deployment

### 413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

### 413.2 POLICY

The Englewood Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 413.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

# Englewood Police Department

Englewood PD Policy Manual

## *Rapid Response and Deployment*

---

- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

### 413.3.1 PATROL SERGEANT/INITIAL RESPONDERS

Patrol units will most likely be the first responders in an active shooter situation and should employ the following guidelines:

Assess the situation and determine if immediate rapid deployment tactics are necessary. Request appropriate resources:

- a. Additional patrol units/mutual aid
- b. Englewood Tactical Team (ETT)
- c. Fire/Rescue
- d. Bomb Squad

Broadcast the situation to responding units:

- a. Location of suspects
- b. Number/description of suspects
- c. Type(s) of weapon(s) involved
- d. Identify safe approach route(s)
- e. Identify the location of the Incident Command (IC) post

### 413.3.2 CONTACT TEAM

The contact team may be initiated by a single officer in order to stop an active threat. The contact team may be comprised of several officers moving to the direct threat utilizing a T, diamond, or "rolling thunder" formation depending upon the tactical situation. All Englewood Officers are trained in the "rolling thunder" technique. If working with officers from another jurisdiction a diamond technique may be appropriate.

Contact/rescue teams should deploy .223 rifles due to superior firepower and increased accuracy.

The priority is to move aggressively towards the threat and make contact with the suspect(s):

- a. Stop deadly behavior
- b. Limit suspect(s) movement
- c. Prevent suspect(s) escape
- d. Continue to bypass victims and explosives

# Englewood Police Department

Englewood PD Policy Manual

## *Rapid Response and Deployment*

---

- e. Communicate progress to IC/other responding units
- f. Provide preliminary assessment:
  - Location/description of suspect(s)
  - Type(s) of weapon(s)/explosives
  - Number of victims/location/prioritization of medical needs

If activity is no longer detectable and the whereabouts of the suspect(s) is unknown, the contact team shall employ the following techniques:

- a. Slow momentum and conduct a more methodical search
- b. Clear room by room utilizing two (or more) officers
- c. Remaining officer(s) act as front/rear cover
- d. If additional activity is located, contact team again moves aggressively towards the threat

### **413.3.3 RESCUE TEAM**

Priority is the rescue and recovery of the victim(s):

- a. Enter location to locate victim(s)
- b. Notify IC/medical personnel as to the location and number of victims
- c. Establish checkpoints and safe zones for EMS
- d. Coordinate evacuating victim(s) with EMS resources

### **413.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### **413.5 PLANNING**

The Patrol Division Chief should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.

# Englewood Police Department

Englewood PD Policy Manual

## *Rapid Response and Deployment*

---

- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

### **413.6 TRAINING**

The Professional Standards Bureau Sergeant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

## Immigration Violations

### 415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Englewood Police Department relating to immigration and interacting with federal immigration officials.

### 415.2 POLICY

It is the policy of the Englewood Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

### 415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Colorado constitutions.

### 415.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

# Englewood Police Department

Englewood PD Policy Manual

## *Immigration Violations*

---

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

### **415.4.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

### **415.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

### **415.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

### **415.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

#### **415.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### **415.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

# Englewood Police Department

Englewood PD Policy Manual

## *Immigration Violations*

---

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Bureau supervisor assigned to oversee the handling of any related case (CRS § 24-4.1-405). The Criminal Investigations Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted (CRS § 24-4.1-403).
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner in accordance with CRS § 24-4.1-402.
  1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

### 415.8.1 TIME FRAME FOR COMPLETION

The Criminal Investigations Bureau supervisor should ensure that the certification for the U visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings or a family member would become ineligible for U nonimmigrant status within 60 days, in which case the certification shall be executed within 30 days of receipt of the request (CRS § 24-4.1-402).

### 415.8.2 APPROVAL OR DENIAL OF CERTIFICATION

If certification is approved, the Criminal Investigations Bureau supervisor, at no charge, shall return the signed certification form with reports relevant to the approval to the requestor (CRS § 24-4.1-403).

If certification is denied, the Criminal Investigations Bureau supervisor shall inform the requestor in writing regarding the reason for the denial as provided in CRS § 24-4.1-403.

### 415.8.3 RELEASE OF INFORMATION

Personal identifying information or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification shall not be disclosed except when allowed by law (CRS § 24-4.1-404) (see also the Records Maintenance and Release Policy for additional guidance).

### 415.8.4 DOCUMENTATION AND REPORTING

The Criminal Investigations Bureau supervisor shall keep written documentation regarding the number of certification forms that are (CRS § 24-4.1-406):

# Englewood Police Department

Englewood PD Policy Manual

## *Immigration Violations*

---

- (a) Requested by a victim.
- (b) Signed.
- (c) Denied and for what reason.
- (d) Decided outside of the statutory timelines.

The Criminal Investigations Bureau supervisor or the authorized designee should ensure that the information collected regarding certification forms is reported annually to the Colorado Division of Criminal Justice (CRS § 24-4.1-406).

### **415.9 TRAINING**

The Professional Standards Bureau Sergeant should ensure that officers receive training.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.



---

## Patrol Rifles

### 417.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Englewood Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

### 417.2 SHOTGUNS, RIFLES, AND OTHER SPECIALTY WEAPONS

The department recognizes that a shotgun/rifle may be of considerable strategic value to a properly trained police officer, under certain circumstances; it may also be a hindrance and a danger to a police officer when utilized under the wrong circumstances. Thus, the department requires each of its police officers to be properly trained and qualified in the function, firing, and tactical uses of the department-issue shotgun/rifle, prior to being permitted to carry or use one on duty.

The tactical use of shotguns/rifles is discretionary; is dependent upon the totality of circumstances at any given place and time; and is subject to the consideration of all other department policies and procedures, as well as state laws that may come to bear upon such circumstances.

The deployment, transporting, storage, loading, and unloading of department rifles and shotguns will be conducted in accordance with department firearms training and policy.

No on-duty police officer may carry or use any shotgun/rifle other than department issue.

Only department-issue or approved shotgun/rifle ammunition will be loaded into department weapons.

#### 417.2.1 AR-15 PATROL RIFLES

All sworn officers employed with E.P.D. will be assigned an AR-15 patrol rifle, case, four magazines, and Holographic/Red dot sighting system. These rifles are the property of the department and assigned to the individual officer. All Officers in active service are required to have the AR-15 patrol rifle available during their work shift. All employees who will deploy an AR-15 patrol rifle must have successfully completed the E.P.D. Patrol Rifle User's Course (or its equivalent as determined by the Range Master) and the current bi-annual qualification course. Officers shall not have approval to carry or deploy any other patrol rifle other than those assigned weapons from the department. Any on-duty damage (not caused by negligence) to the weapon or attached accessories will be replaced/repared by the Police Department. Officers who are issued AR-15 patrol rifles are to have available a minimum of four magazines with no less than 20 round capacity and no more than 30 round capacity (the Range Master will provide department ammunition). The Range Master will not provide department ammunition over 120 rounds. Any privately purchased ammunition must exactly match the department's standard issue ammunition.

# Englewood Police Department

Englewood PD Policy Manual

## *Patrol Rifles*

---

### **417.3 DEPLOYMENT/STORAGE OF PATROL RIFLES**

Department issued patrol rifles shall be stored in the department gun room or in the officer's personal possession in accordance with training provided at the Patrol Rifle User's Course. No weapon shall be stored in police vehicles when the officer is off-duty. While being transported in police vehicles, rifles will be placed either in the locking rack in the passenger compartment or in a hard or padded case in the trunk. Rifles will be carried with the chamber empty, magazine(s) in magazine well and safety on (cruiser ready). While transporting rifles to or from vehicles, offices, or storage areas, officers will carry the weapon in such a manner as to minimize exposure to other personnel and the public. Whenever an officer is away from their vehicle, he/she shall secure the vehicle and take necessary steps to discourage any access to the shotgun/rifle. Additionally, any time that a vehicle is left for maintenance or service the weapons will be removed.

### **417.4 ACCESSORIES/ALTERATIONS ON PATROL RIFLES**

The patrol rifles subject to this policy are owned by the department and assigned to the officer. It is recognized that individual officers may wish to modify or customize their assigned rifle. The rifle may be modified by the individual officer, at their cost, subject to this policy. Any alteration or accessory made to a department issued rifle must be approved by the Range Master (or his designee). Approved Equipment / Modifications / Attachments:

- Barrel length must be a minimum of 16 inches and a maximum of 20 inches

- Texturized or soft rubber handgrips

- 1, 2 or 3 point slings

- Department approved muzzle break/compensator or flash hider

- Fixed or positional factory stock, no folding stocks

- The rifle must be equipped with standard iron sights (folding or fixed) that can operate independently of any other optics that are affixed to the rifle

- A rifle may have non-magnified, holographic /red dot sight attached

- Vertical forearm grip

- Picatinny style rails

  - Tactical lights
  - High visibility sights (night sights)

- Bi-pods

  - Any color variable (other than black, tan or green) must be approved in writing by the Range Master (or his designee)

Any repairs to the department issued rifle must be completed by a department armorer or by a certified armorer at the discretion of the Range Master.

### **417.5 TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial eight-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete biannual qualification.

---

## Field Training Officer Program

### 418.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Englewood Police Department.

It is the policy of this department to assign all new police officers to a structured FTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

### 418.2 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

#### 418.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of one year of patrol experience, beyond recruit training with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a Colorado Peace Officer Standards and Training (POST) Basic Certificate

#### 418.2.2 TRAINING

An officer selected as an FTO shall successfully complete an FTO course approved by the Department prior to being assigned as an FTO.

All FTOs must complete an FTO refresher course approved by the Department every three years while assigned to the position of FTO.

### 418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Chief or the authorized designee and shall complete a Field Training Administrator's Course approved by the Department within one year of appointment to this position.

The responsibilities of the FTO Program supervisor includes the following:

- (a) Assign trainees to FTOs
- (b) Conduct FTO meetings
- (c) Maintain and ensure FTO/trainee performance evaluations are completed

# Englewood Police Department

Englewood PD Policy Manual

## *Field Training Officer Program*

---

- (d) Maintain, update and issue the Field Training Manual to each trainee
- (e) Monitor individual FTO performance
- (f) Monitor the overall FTO Program
- (g) Maintain liaison with FTO coordinators of other agencies
- (h) Develop ongoing training for FTOs

### **418.4 TRAINEE DEFINED**

**Trainee** - Any entry level or lateral police officer newly appointed to the Englewood Police Department, who has successfully completed a POST-approved basic academy and possesses a Colorado POST Basic Certificate within one year of commencing employment as a peace officer.

### **418.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

#### **418.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Englewood Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Englewood Police Department.

### **418.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### **418.6.1 FIELD TRAINING OFFICER**

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.

# Englewood Police Department

Englewood PD Policy Manual

## *Field Training Officer Program*

---

- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

### 418.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

### 418.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. Any proposed changes to the program will be discussed with the FTOs. A summary of proposed changes and recommendations will be documented and forwarded to the Chief of Police for review and approval.

### 418.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

## **418.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) Daily written section tests
- (c) End of phase evaluations
- (d) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training

## Contacts and Temporary Detentions

### 421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting citizen contacts, field interviews (FI), investigative contacts, and pat-down searches, and the taking and disposition of photographs.

#### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Citizen contacts** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary. Officers may contact any person to verify their safety or welfare. Citizen contacts are consensual in nature and require no probable cause or reasonable suspicion. The use of any official authority by officers to initiate or sustain the contact or to investigate the citizen for a violation of law may escalate the citizen contact into an investigative contact.

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

officer

**Investigative Contact** - An interaction in public initiated by a peace officer, whether consensual or nonconsensual, with a suspect or subject for the purpose of enforcing the law or investigating possible violations of the law. Contacts made by officers in an undercover capacity do not constitute an investigative contact. A "Field Interview" is the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions. A Field Interview (F.I.) is also considered an investigative contact.

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

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

# Englewood Police Department

Englewood PD Policy Manual

## *Contacts and Temporary Detentions*

---

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### **421.2 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Englewood Police Department to strengthen community involvement, community awareness, and problem identification.

#### **421.2.1 INITIATING A FIELD INTERVIEW OR AN INVESTIGATIVE CONTACT**

When initiating the stop, the [officer\_deputy] should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

Investigative contacts do not include the following:

- (a)
  1. Routine interactions with the public at the point of entry or exit from a controlled area.
  2. Community caretaking functions
  3. Welfare checks
  4. Contacting reporting parties, victims, or witnesses
  5. Any interaction initiated by a member of the public
  6. Telephone communications

# Englewood Police Department

Englewood PD Policy Manual

## *Contacts and Temporary Detentions*

---

### 7. Undercover operations

#### **421.3 CONSENSUAL SEARCHES**

An officer may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows (CRS § 16-3-310):

- (a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.
- (b) The person is informed that he/she is being asked to voluntarily consent to a search.
- (c) The person is informed that he/she has the right to refuse the request to search.
- (d) The person voluntarily provides consent.

When asking for consent, officers should explain the scope of the search. Officers should stop a consent search if the person withdraws consent.

Officers should, whenever practicable, obtain written consent. If written consent is not possible, the officer should record any verbal consent.

#### **421.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the **officer**'s training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to (see also CRS § 16-3-103(2)):

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **421.5 POLICY**

The Englewood Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall



## *Contacts and Temporary Detentions*

---

be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

### **421.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

## Criminal Street Gangs

### 422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Englewood Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

### 422.2 POLICY

The Englewood Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 422.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor or the authorized designee will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

#### 422.3.1 SYSTEM ENTRIES

It is the designated supervisor's or the authorized designee's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor or designee should ensure copies of those documents are

## *Criminal Street Gangs*

---

retained by the criminal intelligence unit. Any supporting documentation for an entry shall be retained by the criminal intelligence unit in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor or designee should ensure that any documents retained by the criminal intelligence unit are appropriately marked as intelligence information. The criminal intelligence unit may not purge such documents without the approval of the designated supervisor.

### **422.3.2 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM**

It is the designated supervisor's or designee's responsibility to approve the entry of any information into a criminal intelligence system operated by the Colorado Bureau of Investigation (CRS § 24-33.5-415.3(3); CRS § 24-33.5-412(1)(i)). Entries into such a database shall be based upon criteria established by statute.

### **422.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor or designee responsible for consideration of CIS entries.

#### **422.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor or designee.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Dispatch Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

# Englewood Police Department

Englewood PD Policy Manual

## *Criminal Street Gangs*

---

### 422.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The supervisor or designee shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

### 422.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Professional Standards Bureau Sergeant to train members to identify information that may be particularly relevant for inclusion.

### 422.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### 422.7 CRIMINAL STREET GANGS

The Criminal Investigations Bureau supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

# Englewood Police Department

Englewood PD Policy Manual

## *Criminal Street Gangs*

---

- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

### **422.8 TRAINING**

The Professional Standards Bureau Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

---

## Patrol Supervisors

### **424.1 PURPOSE AND SCOPE**

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant or Master Police Officer heads each watch. Sergeants/MPOs are responsible for conducting briefings, approving reports, managing calls for service, handling complaints from citizens, ensuring professional conduct by department employees and other duties as assigned or needed. Sergeants respond to and manage critical incidents and respond to calls that have the potential to impact the organization or community.

### **424.2 DESIGNATION AS ACTING PATROL SUPERVISOR**

When a Sergeant is unavailable for duty as Patrol Supervisor, a qualified Master Patrol Officer shall be designated as acting Patrol Supervisor. This policy does not preclude designating a less senior officer as an acting Patrol Supervisor when operational needs require or training permits.

### **424.3 MASTER PATROL OFFICER**

Master Police Officers (MPOs) are selected by a comprehensive selection process from qualified applicants. MPO's are assigned to the Patrol Division and, in the absence of a Sergeant, act as a first-line supervisor with the same responsibilities and authority as a Sergeant.

## Mobile Data Terminal Use

### 427.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center.

### 427.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 427.3 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Patrol Supervisors.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### 427.3.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio (CRS § 42-4-201).

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

At no time when the vehicle is in motion should the display be viewed by the driver for visual entertainment, including Internet browsing or the use of social media or email.

# Englewood Police Department

Englewood PD Policy Manual

## *Mobile Data Terminal Use*

---

### **427.4 POLICY**

Englewood Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

### **427.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Patrol Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Members may add notes to calls which have been created by dispatch.

#### **427.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

#### **427.5.2 EMERGENCY ACTIVATION**

Emergency buttons on MDTs are not active at this time.

If there is an emergency activation of a member's portable radio emergency button and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Patrol Supervisor is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **427.6 EQUIPMENT CONSIDERATIONS**

#### **427.6.1 MALFUNCTIONING MDT**

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Dispatch



# Englewood Police Department

Englewood PD Policy Manual

## *Mobile Data Terminal Use*

---

Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

### 427.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

---

# Portable Fingerprint Scanner

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the authorized use of the Portable Fingerprint Scanner. Due to a variety of circumstances, use of the scanner shall be at the discretion of the member responsible for the investigation.

## 428.2 DEFINITIONS

Definitions related to this policy include:

**Automated Fingerprint Identification System (AFIS)** – A biometric identification methodology that uses digital imaging technology to obtain, store, and analyze fingerprint data.

**Portable Fingerprint Scanner (PFS)** – A handheld scanner that communicates with the Colorado Bureau of Investigation's Automated Fingerprint Identification System via a blue-tooth or USB connection to a secure terminal.

## 428.3 POLICY

Portable Fingerprint Scanners provide members with a specialized tool to assist in the rapid, presumptive identification of an individual whose identity is in question. A PFS shall only be used by members who have completed training in the use of the PFS.

Upon successfully obtaining useable fingerprints, the device will query AFIS and subsequently access the National Crime Information Center (NCIC) and the Colorado Crime Information Center (CCIC) databases for identification purposes. As a result, NCIC/CCIC information is considered criminal justice information and shall be used for lawful criminal justice purposes only. Information obtained through NCIC/CCIC shall not be disseminated to non-law enforcement personnel.

## 428.4 AUTHORIZED USE OF THE FINGERPRINT SCANNER

A PFS may be used under the following circumstances:

- (a) Probable cause to arrest exists and there is reason to believe that obtaining fingerprints will assist in the investigation.
- (b) Reasonable suspicion exists that a driver or suspect is providing false or fictitious identification.
- (c) Voluntary consent provided in writing or verbally. Voluntary consent may be withdrawn at any time by the person contacted.
- (d) In a death investigation where no other reasonable means exist for identifying the deceased AND when a member of the Coroner's Office is present or gives approval.
- (e) At-risk or missing persons whom are unable to provide positive identification.

# Englewood Police Department

Englewood PD Policy Manual

## *Portable Fingerprint Scanner*

---

### **428.5 IDENTIFICATION CONFIRMATION**

Upon receiving a presumptive identification, members should search NCIC/CCIC with the identity information provided as a result of the AFIS search. Members should verify the information provided in the NCIC/CCIC return match the individual they are investigating and determine if there are any wants or warrants pertaining to the individual.

### **428.6 TRAINING**

Department approved training must be provided to members prior to using the device. Only members trained by the Department in the use of a PFS may deploy the scanner.

## Portable Audio/Video Recorders

### 429.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Englewood Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

### 429.2 POLICY

The Englewood Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 429.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 429.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that the member is equipped with a Body Worn Camera issued by the Department, and that the camera is in good working order. If the camera is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to the member's supervisor and obtain a functioning device as soon as reasonably practicable.

Unless working undercover, any member assigned to a non-uniformed position should wear and activate a body-worn camera when responding to a call, during a welfare check except for motorist assist, and while interacting with the public or entering into a premises with the purpose of enforcing the law or investigating possible violations of the law (CRS § 24-31-902).

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

# Englewood Police Department

Englewood PD Policy Manual

## *Portable Audio/Video Recorders*

---

### **429.5 ACTIVATION OF THE AUDIO RECORDER**

Members should activate the recorder during enforcement stops and field interrogation situations and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption until the contact ends, if feasible.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

#### **429.5.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER**

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### **429.5.2 CESSATION OF RECORDING**

Once activated, the portable recorder should remain on continuously until the member reasonably believes that the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing, during discussions when civilians are not present, or when inside a jail with a functioning camera system (CRS § 24-31-902).

#### **429.5.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

#### **429.5.4 EXAMPLES**

The recorder should be deactivated when any of the following apply:

- (a) When a crime victim requests not to be recorded
- (b) In situations where medical or patient privacy is warranted
- (c) When on the premises of any public or private elementary or secondary school, unless the member is responding to an imminent threat to life or health where there is potential for enforcement or criminal investigation
- (d) When an individual requests to remain anonymous or is a confidential informant
- (e) When personal information is being relayed that is not case related
- (f) When discussing administrative, tactical or management issues

# Englewood Police Department

Englewood PD Policy Manual

## *Portable Audio/Video Recorders*

---

### **429.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Patrol Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

### **429.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### **429.8 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

# Englewood Police Department

Englewood PD Policy Manual

## *Portable Audio/Video Recorders*

---

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

### **429.9 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

#### **429.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

## Medical Marijuana

### 431.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Colorado's medical marijuana laws.

#### 431.1.1 DEFINITIONS

Definitions related to this policy include:

**Allowed amount of marijuana** - No more marijuana than is medically necessary to address a debilitating or disabling medical condition. Though the amount may be greater, anything at or below the following amount qualifies as an allowed amount (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106):

- (a) No more than 2 ounces of a usable form of marijuana
- (b) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana

**Medical use** - The acquisition, possession, production, use or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating or disabling medical condition, which may be authorized only after a diagnosis of the patient's debilitating or disabling medical condition by a physician (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

**Patient** - A person who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

**Primary caregiver** - A person, other than the patient and the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14). A primary caregiver may have one or more relationships with a patient, including as (CRS § 25-1.5-106):

- (a) A parent of a child and anyone who assists that parent with caregiver responsibilities, including cultivation and transportation.
- (b) An advising caregiver who advises a patient on which medical marijuana products to use and how to dose them, and does not possess, provide, cultivate or transport marijuana on behalf of the patient.
- (c) A transporting caregiver who purchases and transports marijuana to a patient who is homebound.
- (d) A cultivating caregiver who grows marijuana for a patient.

**Registry Identification Card (RIC)** - That document, issued by the Colorado Department of Public Health and Environment, that identifies a patient authorized to engage in the medical use



# Englewood Police Department

Englewood PD Policy Manual

## *Medical Marijuana*

---

of marijuana and such patient's primary caregiver, if one has been designated (Colo. Const. art. XVIII, § 14).

**Usable form of marijuana** - The seeds, leaves, buds and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use. It does not include the plant's stalks, stems and roots.

### **431.2 POLICY**

It is the policy of the Englewood Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Colorado medical marijuana laws are intended to provide protection from prosecution to those who acquire, possess, manufacture, produce, use, sell, distribute, dispense or transport marijuana for debilitating or disabling medical conditions. However, Colorado medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana. The Englewood Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Colorado law and the resources of the Department.

### **431.3 INVESTIGATION**

Investigations involving the acquisition, possession, manufacture, production, use, sale, distribution, dispensing or transportation of marijuana generally fall into one of the following categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations when a medical-use claim is made by an adult who has not been issued a RIC
- (c) Investigations when a medical-use claim is made by an adult who has been issued a RIC
- (d) Investigations when a medical-use claim is made by a juvenile

#### **431.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is being used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant as to whether the marijuana was possessed or produced for medicinal purposes.

# Englewood Police Department

Englewood PD Policy Manual

## *Medical Marijuana*

---

### 431.3.2 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS NOT BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, should not be arrested for a marijuana-related offense when:

- (a) The patient (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):
  1. Was previously diagnosed by a physician as having a debilitating or disabling medical condition.
  2. Was advised by his/her physician, in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating or disabling medical condition.
  3. Was collectively in possession of an allowed amount of marijuana.
- (b) The amount is permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16).

A copy of an application submitted to the Colorado Department of Public Health and Environment, including the written documentation and proof of the date of mailing or other transmission of the written documentation, shall be accorded the same legal effect as a RIC until such time as the patient receives notice that the application has been denied (Colo. Const. art. XVIII, § 14(3)(d)).

### 431.3.3 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, shall not be arrested for a marijuana-related offense when all of the following exist (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

- (a) The patient or primary caregiver is in lawful possession of a RIC.
- (b) The marijuana in question is for medical use.
- (c) The patient or primary caregiver is in possession of no more than 2 ounces of a usable form of marijuana and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

A patient or primary caregiver in lawful possession of a RIC should not be arrested for any quantity of marijuana above the specified amounts of marijuana (2 ounces, six plants) if the amount is no more than is medically necessary to address a debilitating or disabling medical condition.

Evidence that an extended amount is medically necessary may include a voluntary disclosure by the patient in his/her registration information that he/she intends to cultivate more than six plants for his/her own medical use (CRS § 25-1.5-106).

### 431.3.4 INVESTIGATIONS RELATED TO A MEDICAL-USE CLAIM BY A JUVENILE

A juvenile under the age of 18 shall not be arrested for a marijuana-related offense if all of the following conditions exist (Colo. Const. art. XVIII, § 14(6); CRS § 25-1.5-106):

# Englewood Police Department

## Englewood PD Policy Manual

### *Medical Marijuana*

---

- (a) The juvenile is in lawful possession of a RIC.
- (b) The juvenile and parental primary caregiver collectively possess no more than an allowed amount of marijuana.
- (c) The parental primary caregiver controls the acquisition, dosage and frequency of use of the marijuana.

#### 431.3.5 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

- (a) Officers shall immediately notify the Colorado Department of Public Health and Environment when any person in possession of a RIC has been determined by a court of law to have willfully violated the provisions of medical marijuana laws or has pleaded guilty to such an offense (Colo. Const. art. XVIII, § 14(3); CRS § 25-1.5-106).
- (b) Because enforcement of medical marijuana laws can be complex, time-consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at another time.
  - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
  - 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
  - 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (c) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, officers should consider:
  - 1. The amount of marijuana recommended by a medical professional to be ingested.
  - 2. The quality of the marijuana.
  - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
  - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
  - 5. Other factors such as the climate and whether the marijuana is being cultivated indoors or outdoors.
- (d) Before proceeding with enforcement related to a locally approved business that cultivates, manufactures or sells medical marijuana or medical marijuana-infused products, officers should consider conferring with appropriate legal counsel.
- (e) Primary caregivers must be registered to cultivate or transport marijuana and have supporting receipts when transporting the marijuana. Officers may report a primary

# Englewood Police Department

Englewood PD Policy Manual

## *Medical Marijuana*

---

caregiver to the state licensing authority if the primary caregiver fails to provide proper documentation showing that he/she has registered (CRS § 25-1.5-106).

1. Primary caregivers have additional registration requirements if they grow 37 or more plants. Additionally, primary caregivers may not grow 100 or more plants (CRS § 25-1.5-106).

### **431.3.6 EXCEPTIONS**

Officers may take enforcement action against a patient or primary caregiver who (Colo. Const. art. XVIII, § 14(5); CRS § 25-1.5-106):

- (a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person.
- (b) Unlawfully engages in the medical use of marijuana in plain view of, or in a place open to, the general public (CRS § 44-10-702).
- (c) Undertakes any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.
- (d) Possesses or uses non-smokable medical marijuana without authorization on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).
- (e) Possesses or uses smokable medical marijuana on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).
- (f) Engages in the use of medical marijuana in a correctional facility, community corrections facility, or in a vehicle, aircraft, or motorboat.
- (g) Engages in the use of medical marijuana while sentenced to jail/prison.
- (h) Operates, navigates, or is in actual physical control of any vehicle, aircraft, or motorboat while under the influence of medical marijuana.
- (i) Manufactures marijuana concentrate in an unregulated environment using an inherently hazardous substance (CRS § 18-18-406.6).
- (j) Grows or possesses on residential property more than the number of marijuana plants as set forth in CRS § 25-1.5-106.

### **431.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

### **431.5 EVIDENCE**

#### **431.5.1 MEMBER RESPONSIBILITIES**

The investigating member should advise the receiving Property and Evidence Section member when marijuana may be the subject of a medical claim.

# Englewood Police Department

Englewood PD Policy Manual

## *Medical Marijuana*

---

### 431.5.2 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not harmed, neglected, injured or destroyed (Colo. Const. art. XVIII, § 14(2)(e)).

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section Supervisor should follow the Property and Evidence Policy and related procedures.

The Property and Evidence Section Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Bureau Supervisor.

## Bicycle Patrol Unit

### **433.1 PURPOSE AND SCOPE**

The Englewood Police Department has established the Bicycle Patrol program for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### **433.2 POLICY**

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Officers assigned to bicycle patrol will operate in a manner consistent with their training and instruction.

### **433.3 TRAINING**

Participants in the program must complete a Department-approved bicycle-training course after acceptance into the program.

### **433.4 UNIFORMS AND EQUIPMENT**

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

### **433.5 OFFICER RESPONSIBILITIES**

Officers should operate the bicycle in compliance with Colorado law, unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

## Foot Pursuit Policy

### 435.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

#### 435.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

### 435.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area
- (b) Canine search
- (c) Saturation of the area with patrol personnel
- (d) Air support

# Englewood Police Department

Englewood PD Policy Manual

## *Foot Pursuit Policy*

---

- (e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

### **435.3 GUIDELINES FOR FOOT PURSUIT**

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with the Dispatch Center or with backup officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.



# Englewood Police Department

Englewood PD Policy Manual

## *Foot Pursuit Policy*

---

- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

### **435.4 RESPONSIBILITIES IN FOOT PURSUITS**

#### **435.4.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Dispatch Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

#### **435.4.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

# Englewood Police Department

Englewood PD Policy Manual

## *Foot Pursuit Policy*

---

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

### **435.4.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

### **435.4.4 THE DISPATCH CENTER RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in progress, the Dispatch Center personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, the Dispatch Center personnel shall:

- (a) Clear the radio channel of nonemergency traffic using a tone alert.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Ensure that a field supervisor is notified of the pursuit.
- (d) Relay all pertinent information to responding personnel.
- (e) Contact additional resources as indicated.
- (f) Coordinate response of additional resources to assist with the foot pursuit.

### **435.5 REPORTING**

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (e) Any injuries or property damage.

# Englewood Police Department

Englewood PD Policy Manual

## *Foot Pursuit Policy*

---

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may advise the initiating officer that he/she need not complete a supplemental report in conjunction with the report normally required to document the incident.

## Automated License Plate Readers (ALPR)

### 437.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Englewood Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 437.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Support Services Division Chief.

### 437.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer shall verify an ALPR response through the Colorado Bureau of Investigation before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access the Colorado Bureau of Investigation data unless authorized to do so.

### 437.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by the ALPR are for the official use of the Englewood Police Department and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

# Englewood Police Department

Englewood PD Policy Manual

## *Automated License Plate Readers (ALPR)*

---

The Support Services Division Chief or his designee is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the server located and maintained by the Colorado State Patrol server (known as the EOC) on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server will be stored for one year which is agreed upon between the Englewood Police Department and the Colorado State Patrol (known as the EOC) which is consistent with retention guidelines and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

### **437.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Englewood Police Department in partnership with the Colorado State Patrol will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

---

## Mobile Response Unit

### 440.1 M.R.U. POLICY

AllHealth Network Mobile Response Unit (MRU), in conjunction with dispatch from The Englewood Police Department (EPD) responds to calls for service not needing police response or being better served by an alternate response. EPD dispatch screens, dispatches and monitors calls MRU responds on. EPD will also dispatch MRU into other cities as specified in applicable Memorandum of Understandings and Inter-governmental agreements.

The MRU's scope of practice is wide-ranging, from navigating and accessing community services, to non-emergent medical care in the field. The MRU will consist of a medical professional and a behavioral health case manager who will respond to community members experiencing behavioral or mental health, substance use or homelessness concerns.

MRU is intended to divert calls for service not needing traditional law enforcement response or calls that could be better served by the MRU. MRU provides trauma informed, client-centered care to individuals in crisis. The MRU team will help to identify culturally appropriate community resources, providing alternative options and potential long-term community supports to best meet the needs identified by the individual in crisis.

### 440.2 STANDARD OPERATIONS OF M.R.U.

The following are three deployment options for the MRU, the descriptions are not inclusive.

MRU only calls:

- Welfare checks in public places/public access locations
- Mental health issues including suicidal ideation when person is in a public place or public access location\*
- Issues with homeless persons loitering, unwanted, panhandling
- Persons not wearing suitable clothing for weather or not providing adequate coverage
- 
- Requests for mental health and/or substance use resources\*
- Requests for assistance related to food insecurity, housing, shelter\*
- Public alcohol or drug intoxication.
- Persons walking or loitering in traffic
- Parent/child conflicts requesting resources\*

MRU joint PD response (MRU stages and follows PD direction)

- Call MRU would normally go on but rule-out exists – PD secures scene first

# Englewood Police Department

Englewood PD Policy Manual

## *Mobile Response Unit*

---

- Mental Health issues in a private residence including suicidal ideation/threats (when a co-responder is not available – officer does assessment) \*
- Unwanted homeless needing to be trespassed – PD issues trespass and MRU assesses resource needs
- Disturbances involving reported homeless individuals

### PD responds and requests MRU

- Medical call where EMS determines transport is not necessary or person refuses transport and needs services
- Welfare checks at a residence when PD responds and determines subject of call needs additional resources, support, etc. that can best be served by MRU (Mental Health, Substance Abuse, Resources, Referrals to outside providers).
- PD on scene determines call is suitable for or better handled by MRU response
- PD determines need for MRU response to assist person(s) in crisis/conflict and needing resources.

### Rule-outs for MRU only response:

- Subject has already harmed self or another person
- Subject is armed with a weapon
- Subject is using or threatening to use violence or physical force
- Subject presents as being significantly impaired, incoherent, or cannot otherwise communicate
- Subject reports or is involved in criminal activity beyond nuisance or consumption in public violations
- Subject is in conflict with intimate partner
- Subject reports their safety is being threatened or they are thinking of harming others
- Subject appears to need or meets criteria for EMS response

Dispatch attempts to ascertain answers to above questions or otherwise rule in/rule out MRU response based on reporting party information. Dispatch may consult the on-duty Patrol supervisor for determination in appropriateness of sending MRU on calls. Dispatch may also ask MRU if the call is suitable for them to respond to either solo or with police.

The on-duty Patrol supervisor should monitor calls MRU is responding on and may change response based on circumstances of call. MRU will request police response when subject of call or others present a threat to MRU or when criminal activity (beyond nuisance and consumption violations) is suspected or involved.

MRU provides secure transport and wheelchair transport options. MRU does not transport those who are in custody and/or on a hold. MRU will transport individuals to staffed, attended facilities or shelters or their personal residence. MRU will not transport individuals who refuse to give their

# Englewood Police Department

Englewood PD Policy Manual

## *Mobile Response Unit*

---

legal name. When MRU transports someone they will provide the person's name and DOB to dispatch who will clear the person. If the person is found to have a felony or DV warrant dispatch will send officers and advise MRU to standby.

MRU personnel are not licensed and cannot place hold or commitments on persons. In the absence of a co-responder if the individual needs a hold placed on them the officer will place the hold and complete the appropriate paperwork.

\*Calls meeting criteria for transfer to RMCP will be transferred without regard to other available resources. Calls not transferred to RMCP and meeting criteria for MRU response will be dispatched to MRU without regard to other available resources, such as a co-responder is on duty.



---

## Homeless Persons

### 441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Englewood Police Department recognizes that members of the homeless community are often in need of special protection and services. The Englewood Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

#### 441.1.1 POLICY

It is the policy of the Englewood Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

### 441.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the homeless liaison officer. The responsibilities of the homeless liaison officer include:

- (a) Maintaining and making available to all Department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  1. Proper posting of notices of trespass and cleanup operations.
  2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Be present during any cleanup operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

# Englewood Police Department

Englewood PD Policy Manual

## *Homeless Persons*

---

### **441.3 FIELD CONTACTS**

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

#### **441.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

### **441.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the

# Englewood Police Department

Englewood PD Policy Manual

## *Homeless Persons*

---

arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department homeless liaison officer. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the homeless liaison officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform the Department homeless liaison officer if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of the homeless liaison officer to address the matter in a timely fashion.

### **441.5 MENTAL HEALTH DISORDERS AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental health disorder or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental health disorder hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

### **441.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

## Public Recording of Law Enforcement Activity

### 442.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 442.2 POLICY

The Englewood Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 442.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 442.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

# Englewood Police Department

Englewood PD Policy Manual

## *Public Recording of Law Enforcement Activity*

---

behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **442.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### **442.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa; CRS § 16-3-311):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
    - (a) Before obtaining consent, the member shall provide the person with his/her identification, agency name and the reason the information is requested.

# Englewood Police Department

Englewood PD Policy Manual

## *Public Recording of Law Enforcement Activity*

---

- (b) If the person voluntarily provides his/her device or media to the member, the search of the device or media shall be limited to the relevant recording and the device or media returned as soon as practicable.
2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department device.
3. Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

### 442.6.1 SEARCH WARRANTS

When a member seizes a recording device or media without the person's consent or without a search warrant, a search warrant for the recording shall be sought within 72 hours of the seizure (CRS § 16-3-311).

# Suspicious Activity Reporting

## 443.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 443.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 443.2 POLICY

The Englewood Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 443.3 RESPONSIBILITIES

The Special Operations and Codes Division Chief and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Special Operations and Codes Division Chief include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

# Englewood Police Department

Englewood PD Policy Manual

## *Suspicious Activity Reporting*

---

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

### **443.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

### **443.5 HANDLING INFORMATION**

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Criminal Investigations Bureau supervisor
- Crime Analysis Unit
- Other authorized designees



## Crisis Intervention Incidents

### 444.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 444.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental health disorder despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 444.2 POLICY

The Englewood Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 444.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental health disorder
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

# Englewood Police Department

Englewood PD Policy Manual

## *Crisis Intervention Incidents*

---

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

### **444.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Division Chief to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from a mental health disorder or who appear to be in a mental health crisis (CRS § 30-10-527; CRS § 31-30-109).

### **444.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

# Englewood Police Department

Englewood PD Policy Manual

## *Crisis Intervention Incidents*

---

### **444.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **444.7 INCIDENT ORIENTATION**

When responding to an incident that may involve a mental health disorder or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available.

This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **444.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

# Englewood Police Department

## Englewood PD Policy Manual

### *Crisis Intervention Incidents*

---

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Chief.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **444.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

##### **444.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

#### **444.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

# Englewood Police Department

## Englewood PD Policy Manual

### *Crisis Intervention Incidents*

---

#### **444.11 EVALUATION**

The Division Chief designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **444.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

---

## First Amendment Assemblies

### 445.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 445.2 POLICY

The Englewood Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

### 445.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disrupting lawful assembly. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

# Englewood Police Department

Englewood PD Policy Manual

## *First Amendment Assemblies*

---

### 445.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### 445.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### 445.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### 445.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

# Englewood Police Department

Englewood PD Policy Manual

## *First Amendment Assemblies*

---

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 445.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.



## *First Amendment Assemblies*

---

- (t) Parameters for the use of body-worn cameras and other portable recording devices.

### **445.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

### **445.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### **445.7 USE OF FORCE**

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conducted Energy Devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

# Englewood Police Department

Englewood PD Policy Manual

## *First Amendment Assemblies*

---

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **445.8 ARRESTS**

The Englewood Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Summons Releases Policy).

### **445.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

### **445.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

# Englewood Police Department

Englewood PD Policy Manual

## *First Amendment Assemblies*

---

### **445.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

#### **445.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **445.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 446.1 PURPOSE AND SCOPE

This policy provides members of the Englewood Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Colorado law.

### 446.2 POLICY

The Englewood Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 446.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## *Civil Disputes*

---

### **446.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **446.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### **446.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### **446.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Englewood Police Department

Englewood PD Policy Manual

## *Civil Disputes*

---

---

## Medical Aid and Response

### 447.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

### 447.2 POLICY

It is the policy of the Englewood Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 447.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

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

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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

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

# Englewood Police Department

## Englewood PD Policy Manual

### *Medical Aid and Response*

---

#### **447.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **447.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where a mental health disorder may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **447.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **447.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are



# Englewood Police Department

## Englewood PD Policy Manual

### *Medical Aid and Response*

---

victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Chief should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **447.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member should use an AED only after the member has received the required training (CRS § 13-21-108.1).

##### **447.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Professional Standards Bureau Sergeant who is responsible for ensuring appropriate maintenance.

# Englewood Police Department

## Englewood PD Policy Manual

### *Medical Aid and Response*

---

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact the Dispatch Center as soon as possible and request response by EMS (CRS § 13-21-108.1).

#### **447.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

#### **447.8.3 AED TRAINING AND MAINTENANCE**

The Professional Standards Bureau Sergeant should ensure appropriate training that includes training in CPR and AED use is provided to members authorized to use an AED (CRS § 13-21-108.1).

The Professional Standards Bureau Sergeant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (CRS § 13-21-108.1).

#### **447.9 ADMINISTRATION OF OPIATE ANTAGONIST**

Only members authorized by the Department may possess or administer an opiate antagonist such as naloxone hydrochloride or any similarly acting drug for the treatment of a drug overdose. The medication shall be administered in accordance with written protocol specified by the medical professional who prescribed the overdose medication for use by the member (CRS § 12-30-110; CRS § 12-255-128).

##### **447.9.1 OPIATE ANTAGONIST USER RESPONSIBILITIES**

Members who are qualified to administer an opiate antagonist should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Professional Standards Bureau Sergeant.

Any member who administers an opiate antagonist should contact the Dispatch Center as soon as possible and request response by EMS (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

##### **447.9.2 OPIATE ANTAGONIST REPORTING**

Any member administering an opiate antagonist should detail its use in an appropriate report.

The Professional Standards Bureau Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

##### **447.9.3 OPIATE ANTAGONIST TRAINING**

The Professional Standards Bureau Sergeant should ensure training is provided to members authorized to administer an opiate antagonist.

# Englewood Police Department

## Englewood PD Policy Manual

### *Medical Aid and Response*

---

The Professional Standards Bureau Sergeant should coordinate training with the prescribing medical professional (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

#### **447.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **447.11 FIRST AID TRAINING**

Subject to available resources, the Professional Standards Bureau Sergeant should ensure officers receive periodic first aid training appropriate for their position.

## Chapter 5 - Traffic Operations

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety through education and enforcement of traffic-related laws.

### 500.2 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of department members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors are considered in the development of deployment schedules for department members. State and local data on traffic accidents are a valuable resource. Factors for analysis include but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Department members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

### 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (CRS § 42-4-101 and CRS § 42-4-104):

# Englewood Police Department

Englewood PD Policy Manual

## *Traffic Function and Responsibility*

---

### 500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings should be considered in minor traffic infractions and substituted for arrests or citations when circumstances warrant. Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law, as outlined in the Bias-Based Policing Policy.

### 500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
- (d) The court contact information

### 500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the place specified in the summons, complaint or penalty assessment notice is the Englewood Municipal Court for approved violations with the City of Englewood or the Arapahoe County Court. (CRS § 42-4-1707(5)).

### 500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with but are not limited to (CRS § 42-4-1705(1)):

- (a) Vehicular homicide.
- (b) Driving under the influence of alcohol/drugs.
- (c) Hit-and-run resulting in serious injury or death.
- (d) Hit-and-run resulting in damage to any vehicle or property.
- (e) Reasonable cause to believe the violator may leave the state.

## **500.4 SUSPENDED OR REVOKED DRIVER'S LICENSE**

If an officer contacts a traffic violator also driving on a suspended or revoked license, the officer should issue a traffic citation or make an arrest as appropriate.

## **500.5 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

# Englewood Police Department

## Englewood PD Policy Manual

### *Traffic Function and Responsibility*

---

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

#### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

#### **500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests have been provided to and shall be maintained by each officer. Before going into service, each employee shall ensure that their vest is available for use during their shift and in serviceable condition.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Professional Standards Bureau Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

#### **500.6 POLICY**

It is the policy of the Englewood Police Department to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Department will be driven by such factors as the location and/or number of traffic accidents, civilian complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

---

## Traffic Accident Response and Reporting

### 502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Englewood Police Department prepares traffic accident reports in compliance with CRS § 42-4-1606 and as a public service makes traffic accident information available to the public.

### 502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

#### 502.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an accident, should consider the following:

- (a) The most appropriate route to the incident
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene
- (c) Potential for involvement of hazardous materials
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)
- (e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary
- (f) Traffic control and protection of the scene
- (g) Clearance of the roadway

### 502.3 ACCIDENT INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

- (a) Identification and interview of all involved parties
- (b) Identification and interview of any witnesses
- (c) Determination if any crime has occurred and taking appropriate enforcement action
- (d) Identification and protection of items of apparent evidentiary value
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms



# Englewood Police Department

Englewood PD Policy Manual

## *Traffic Accident Response and Reporting*

---

### **502.4 TAKING ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Colorado law led to the accident, officers should issue a traffic citation or a misdemeanor citation to the offending driver. Officers may arrest a person when there is probable cause to believe that an offense was committed by the person to be arrested (CRS § 16-3-102).

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

### **502.5 TRAFFIC ACCIDENT REPORTING**

#### **502.5.1 OFFICER RESPONSIBILITIES**

Department members shall utilize forms approved by the Department of Revenue, Motor Vehicle Division (CRS § 42-4-1608) for the reporting of traffic accidents. All traffic accident reports taken by members of this department shall be forwarded to the patrol supervisor for approval and then to the records bureau for data entry into the records management system.

#### **502.5.2 TRAFFIC SERGEANT RESPONSIBILITIES**

The Traffic Sergeant will be responsible for:

- (a) Monthly and quarterly reports on traffic accident statistics, to be forwarded to the Patrol Division Chief or other persons as required.
- (b) Forwarding the traffic accident report to the Department of Revenue, Motor Vehicle Division within five days of receiving information regarding the accident or upon the completion of the investigation if the accident did not involve injury or death and the property damage is reasonably believed to be no more than \$1,000 (CRS § 42-4-1606).
- (c) Obtaining all updates in the Colorado Traffic Accident Reporting Manual, distribution of the manual and updates and ensuring conformity with this policy.

#### **502.5.3 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS**

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report. A written supplemental report may be made by any authorized employee.

### **502.6 REPORTING SITUATIONS**

#### **Accident Alert**

"Accident Alert" is defined as those times when weather conditions are so severe or other abnormal conditions exist (I.E. critical incident, extremely high call load, officer safety due to conditions, etc...) in which police officers are unable to respond to the larger than normal volume of motor vehicle accidents or calls for service. Accident Alert is initiated by the patrol supervisor

# Englewood Police Department

## Englewood PD Policy Manual

### *Traffic Accident Response and Reporting*

---

based on this criteria. This should be constantly evaluated by the patrol supervisor and removed when the call load resumes to a normal volume or the weather and road conditions improve.

When Accident Alert is initiated, Dispatch is responsible for creating a call for service to document the dates/times Accident Alert is in effect. Dispatch is also responsible for asking the pertinent questions based on the below criteria to determine potential officer response. If no officer response is necessary, the calling parties will be advised to exchange information and report the accident at a later time with a counter report or through the State of Colorado accident reporting portal.

While accident alert is in effect, police officers will respond if the following circumstances exist:

- Vehicles are disabled due to damage.
- Accident involves a fatality or an injury requiring medical attention.
- Alcohol or drugs are involved.
- Accident is a hit and run.
- Any of the drivers fail to provide identification or insurance to the other parties involved.
- The accident involved damage to a city or other government vehicle.
- There is damage to public property other than wildlife, i.e. a stop sign

#### 502.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES

Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results.

A Notice of Loss Report and a Property/Casualty Supervisory Report shall be completed and forwarded to the appropriate Division Chief.

Photographs of the accident scene and vehicle damage shall be taken of the accident scene and any vehicle damage.

#### 502.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Englewood Police Department and it results in a serious injury or fatality, the Traffic Sergeant or the Patrol Supervisor should request the Colorado State Patrol (CSP) or other outside agency to complete an investigation and report.

The term serious bodily injury is defined as bodily injury that involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of bodily function (CRS § 18-1-901(3)(p)).

# Englewood Police Department

Englewood PD Policy Manual

## *Traffic Accident Response and Reporting*

---

### 502.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or Patrol Supervisor may request assistance from the CSP or other outside agency for the investigation of any traffic accident involving any City official or employee where a serious injury or fatality has occurred.

### 502.6.4 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

---

## Vehicle Towing and Release Policy

### 507.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Englewood Police Department and under the authority of CRS § 42-4-1803.

### 507.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 507.2.1 VEHICLE IMPOUNDS

The department realizes the need to tow and impound motor vehicles to comply with CRS 42-4-1803(1)(b) and municipal ordinances 11-1A-1 through 11-1A-8 EMC, with a goal of protecting property and maintaining free flow of traffic within the city. An officer may tow and impound a vehicle (and issue a summons, where appropriate) for the following reasons:

- The vehicle is evidence.
- The officer has probable cause to believe the vehicle was used in the commission of a crime.
- The vehicle is stolen and the owner cannot immediately respond to take custody of it.
- The ownership of the vehicle is questionable.
- The vehicle is left unattended upon any bridge, viaduct, or where it constitutes an obstruction to traffic.
- The vehicle is left unattended upon a public way and is so disabled as to constitute an obstruction to traffic, and the person in charge of that vehicle is so incapacitated by reason of intoxication or physical injury as to be unable to provide for its custody or appropriate removal.
- The vehicle is left unattended and illegally parked upon a street or alley so as to constitute a hazard or obstruction to the normal movement of traffic.
- The vehicle is left unattended on any public street with the engine running, or with the keys in the ignition switch or lock.
- The vehicle is parked in violation of any traffic ordinance, and is an actual or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property.
- The vehicle is being operated upon the streets or public way in an unsafe condition such that it cannot be legally operated upon the streets or public way.
- The vehicle is being operated upon the streets or public way by a person without any valid operator's license, or in violation of the restrictions imposed upon that license, or while the person's operator's license has been suspended, denied, revoked, or canceled by the by the state of issuance and there is no licensed driver present and capable to operate the vehicle.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Towing and Release Policy*

---

- The vehicle is parked unattended on any public way in violation of the registration requirements of the state of Colorado, or has no visible registration number plates attached.
- The owner or driver is under arrest and the vehicle cannot be legally parked, or the owner/driver objects to an officer parking it in a legal manner.
- An arrestee's vehicle cannot be locked or secured, or contains items of significant value.

The vehicle is found to have all of the following:

- Three (3) or more outstanding and unpaid parking tickets issued within (1) calendar year, such tickets
- None of the tickets as described above is currently under appeal or involved in any other judicial or
- The vehicle is currently parked in or on public property or on private property intended for public use

This subsection is subject to all rights that the owner may have regarding any hearing regarding the towing of the

If the arrestee is not the registered owner and requests the vehicle be left at the arrest scene, communications personnel will be directed to attempt telephone contact with the owner and inform the owner of the request. If contact is made with the owner, the officer is then guided by the owner's decision as to the disposition of the vehicle. If, after a bona fide attempt, contact cannot be made with the owner, the vehicle still may be left at the arrest scene, provided the officer can confirm through some other means the validity of the arrestee's relationship to the owner. An officer leaving an arrestee's vehicle at the scene of an arrest needs to ensure that the vehicle is locked, and book in the keys with the prisoner's property. An officer may release the arrestee's vehicle to a designee of the arrestee as long as the arrestee is in condition to give knowing and intelligent consent. The designee must have a valid license and be physically capable of safely operating the vehicle.

### 507.2.2 ABANDONED VEHICLES

As a part of their regular patrol duty, police officers are expected to be aware of and respond to reports of abandoned vehicles. In the event an officer is required to mark an abandoned vehicle, he or she will complete the three-part Abandoned Vehicle Notice (AVN) after clearing the Vehicle Identification Number (VIN) and License Plate to ensure they belong to the vehicle, and that the vehicle has not been reported stolen. The officer will mark two tires (if possible) on the vehicle. The officer may issue a parking ticket if applicable. (See 507.2.1 Vehicle Impounds). The officer will pull a DR number for the AVN and open the case in RMS, inputting the vehicle information and a brief narrative. The officer tags the vehicle using the top section of the three-part AVN. The completed top section is left on the antenna or other conspicuous location on of the vehicle. A printed listing of both the (VIN) and the license plate is obtained by the officer from dispatch and attached to the middle section of the AVN. The middle section of the AVN is filled out by the officer. The precise location and condition of the vehicle is recorded in the notes space of the remaining section. The officer will maintain the middle section of the AVN and leave their case open in RMS. The officer will address the bottom section of the AVN to the registered owner of the abandoned

# Englewood Police Department

## Englewood PD Policy Manual

### *Vehicle Towing and Release Policy*

---

vehicle and mail it as soon as practicable, noting the date mailed on the middle section of the AVN. The officer will return to the vehicle's location after a minimum of 72 hours. If the vehicle is still at the location and has not been moved, the officer will impound the vehicle to the contract tow company's impound yard as an abandoned vehicle. The middle section of the AVN with listings attached will be turned in to the patrol paperwork in-box. The impound form will be approved by a supervisor prior to the officer taking it to dispatch, and the RMS case will be closed. If the vehicle has been moved, or is no longer at the location, the officer will note this on the middle section of the AVN and in RMS. The RMS case will then be closed and sent to the supervisor for approval. The officer will turn in the middle section of the AVN, with listings attached, to the patrol paperwork in-box. Cases involving private property vehicles reported as abandoned will not be impounded unless they are determined to be stolen.

#### 507.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

#### 507.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the contracted towing company for the City.

Upon receipt of completed vehicle impound forms dispatch personnel should promptly enter pertinent data into the Motor Vehicle Verification System to determine if the vehicle has been reported stolen (CRS 42-4-1804). The computer entry checklist is prepared by communications personnel, and the impound form is sent to Records.

#### 507.2.5 RECORDS OF TOWED VEHICLES

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made. Whenever a vehicle is impounded, an Impound/Recovery form is prepared, including that portion which inventories the vehicle's contents and accessories. In the narrative section, note why the vehicle was impounded; in a manner that constitutes a stand alone report including the reason for any hold and the name and contact information of the officer or investigator requesting the hold. Items of evidentiary or high value will be booked into evidence. The watch supervisor will review and sign the impound form prior to it being submitted to communications. The impound form is given to communications personnel for computer entry of information. When a vehicle has been impounded, the registered owner or other individual having right to possession of the vehicle has the right to request a post-seizure administrative hearing to determine whether there was probable cause to impound said vehicle (pursuant to Englewood Municipal Ordinances 11-1A-6, 11-1A-7, and 11-1A-8).

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Towing and Release Policy*

---

### 507.2.6 IMPOUND PROCESSING

The completed impound form will be approved by a supervisor prior to the officer taking it to dispatch. Dispatch will create an impound checklist, enter the information in CCIC and forward the impound form and checklist to Records. Records will photocopy and scan the impound form into RMS. All impound information is entered on the impound computer file: date, report number, vehicle description, license plate, VIN, tow location, reason for impound, any holds, and storage location subsequent to tow. The hard copy of the impound form is maintained in a file cabinet, located in the Records Department. This impound checklist, document, and impound form is filed in the CCIC. The impound form, impound checklist, and any other attached documents are returned to the officer. Records and scanned to RMS.

When an impounded vehicle has a hold placed on it, the vehicle will be towed to the contract tow yard and the impound form will clearly indicate that there is a hold placed on the vehicle. The impound narrative shall also contain the name and contact information of the officer or investigator requesting the hold. All vehicle holds will automatically expire (7) seven business days after the initial request for the hold unless released or extended by the officer, investigator, or his or her agency. The completed vehicle hold extension or release request form will either be faxed or hand delivered to the contract tow company or contract tow yard where the vehicle is being held, and copy of the release of extension shall be provided to records. Vehicles with an outside agency hold are taken to the contract tow yard, where inside storage is available. The only exception to this would be when specifically directed otherwise by the outside agency. Such requests must be articulated on the impound narrative. The impound narrative shall also contain the name and contact information of the officer or investigator requesting the hold, and any other specific requests made by the outside agency. The investigator, officer, or agency designee from the outside agency requesting the hold will also be responsible for authorizing the release of the vehicle per the requirements of the contract tow company.

Certain cases may require that a police impound be held at the Englewood Service Center. A supervisor's approval is required prior to any vehicle being towed to and held at the Servicenter. The impound narrative shall contain the name and contact information of the officer or investigator requesting the hold. The impound form will be taken to dispatch for computer entry, and the impound form will be stored in Records. The officer or investigator responsible for the hold will be responsible for transferring the vehicle back to the contract tow yard and approving the release of the vehicle. The contract tow company will be used to transfer the vehicle, and the transfer tow will be charged to the Englewood Police Department. The reporting officer will complete a supplemental report indicating that the vehicle has been transferred to the contract tow yard. The vehicle will then be released by the contract tow yard staff. Vehicle owners must contact the officer, investigator, or contract tow yard to arrange to retrieve their vehicles. Proper documentation (title or current registration and photo identification) is required, and any applicable impound and/or storage fees paid, before a vehicle can be released.

### 507.3 TOWING SERVICES

The City of Englewood periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Towing and Release Policy*

---

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

### **507.4 TOWING AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

### **507.5 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but



# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Towing and Release Policy*

---

are not limited to, obtaining access to the locked container from the owner, placing the locked container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

### **507.6 PRESERVATION OF EVIDENCE**

An officer removing a vehicle pursuant to CRS § 42-4-1803, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

### **507.7 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

## Impaired Driving

### 510.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

### 510.2 POLICY

The Englewood Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Colorado's impaired driving laws.

### 510.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

### 510.4 FIELD TESTS

The Training Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 510.5 CHEMICAL TESTS

A person implies consent under Colorado law to a chemical test or tests, and to providing the associated chemical sample, when an officer has probable cause to believe that the person was driving a motor vehicle in violation of CRS § 42-4-1301 (DUI, DUI per se, DWAI, or UDD) (CRS § 42-4-1301.1).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 510.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence). Generally, a person may request either a test of his/her blood or breath for determining alcohol content (CRS § 42-4-1301.1). However, if a person under the age of 21 is suspected of underage drinking and driving (UDD), the person may only submit to a breath test.

If a person is suspected of aggravated vehicular unlawful termination of a pregnancy, the type of test or tests shall be determined by the officer (CRS § 18-3.5-108).

For purposes of determining drug content within a person's system, officers may select the most appropriate and viable test of the of the person's blood, saliva and urine. The arrestee is required to take and complete the selected test or tests (CRS § 42-4-1301.1; CRS § 18-3.5-108).

# Englewood Police Department

Englewood PD Policy Manual

## *Impaired Driving*

---

### 510.5.2 BREATH SAMPLES

The Intoxilyzer instructors should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to one of the intoxilyzer instructors.

### 510.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (CRS § 42-4-1301.1). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 510.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

### 510.5.5 STATUTORY NOTIFICATIONS

Officers requesting a sample from a person suspected of DUI should inform the person that failure to submit to testing may result in the revocation of his/her license.

## **510.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (CRS § 42-4-1301.1).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.

## *Impaired Driving*

---

- (c) Document the refusal in the appropriate report.

### 510.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person and issue the person a seven day temporary permit unless the person already possesses one (CRS § 42-2-126).

### 510.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.
- (c) Exigent circumstances exist and the officer has probable cause to believe the person committed any of the following offenses (CRS § 42-4-1301.1):
  1. Criminally negligent homicide
  2. Vehicular homicide
  3. Assault in the third degree
  4. Vehicular assault

### 510.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to such a sample without physical resistance.
  1. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.

# Englewood Police Department

Englewood PD Policy Manual

## *Impaired Driving*

---

- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted. Officers may physically restrain a person for the purpose of obtaining a sample only in cases of criminally negligent homicide, vehicular homicide, assault in the third degree, vehicular assault or aggravated vehicular unlawful termination of pregnancy (CRS § 42-4-1301.1; CRS § 18-3.5-108).
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### **510.7 ARREST AND INVESTIGATION**

#### **510.7.1 PRELIMINARY TESTING**

An officer may request that a person provide a breath sample for a preliminary screening test when the officer (CRS § 42-4-1301):

- (a) Has reason to believe the person was driving a motor vehicle while under the influence or impaired by alcohol and,
- (b) Has advised the person that he/she may refuse or agree to provide the preliminary breath sample.

If the person is under the age of 21, the officer may conduct a preliminary screening test, without the person's consent, if there is a reasonable belief the person has consumed alcohol (CRS § 42-4-1301).

An officer may use the results of the preliminary test in determining whether probable cause exists to believe the person was DUI and whether to administer additional testing (CRS § 42-4-1301).

#### **510.7.2 COLLECTING SAMPLES**

Arrestee samples shall be collected and processed in accordance with standards set by the Department of Public Health and Environment (5 CCR 1005-2:1 et seq.).

# Englewood Police Department

Englewood PD Policy Manual

## *Impaired Driving*

---

### 510.7.3 TIME TO COLLECT SAMPLE

If an officer requests that a person submit to a blood or breath test to determine the alcohol content of the person's blood or breath, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1).

If an officer requests that a person submit to a blood, saliva or urine test to determine the drug content within the person's system, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1).

### 510.7.4 NOTICE TO COMMERCIAL MOTOR VEHICLE DRIVER

Officers investigating a driver of a commercial motor vehicle license for DUI shall advise the person that a refusal to submit to a chemical test shall result in an out-of-service order for a period of 24 hours and a revocation of the privilege to operate a commercial motor vehicle for one year (CRS § 42-4-1301.1).

### 510.7.5 OFFICER RESPONSIBILITIES

An officer believing that a person should be subject to license revocation as a result of DUI shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126):

- (a) A copy of the completed notice of revocation form
- (b) A copy of any completed temporary permit
- (c) The person's driver's license
- (d) An affidavit, signed, dated and sworn to by the officer containing information relevant to the legal issues and facts to be considered by the DMV for revoking the person's license

### 510.7.6 EXTRAORDINARY CIRCUMSTANCES

If an officer requests a person to submit to a chemical test and subsequently determines that there are extraordinary circumstances that prevent the completion of the test elected by the person within the two-hour time period, the officer shall inform the person of such circumstances and request and direct the person to take and complete the other test. The person shall then be required to take and complete, and to cooperate in the completing of, the other test. Extraordinary circumstances include but are not limited to weather related delays, high call volume affecting medical personnel, malfunctioning breath test equipment and other circumstances that preclude the timely collection of a sample (CRS § 42-4-1301.1).

### 510.7.7 UNCONSCIOUS OR DECEASED PERSONS

If an officer believes a person to be DUI and the person cannot submit to a chemical test because the person is unconscious, hospitalized, or undergoing medical treatment, the officer may (CRS § 18-3.5-108; CRS § 42-4-1301.1):

- (a) Have access to and analyze any blood, urine, or saliva that was obtained and not utilized by the health care provider.

# Englewood Police Department

Englewood PD Policy Manual

## *Impaired Driving*

---

- (b) Have access to medical tests administered by the health care provider that show test results of the alcohol or drug content in the person's system. The provisions of CRS § 13-90-107 relating to physician privileged communications do not apply to such test results.

In addition, the blood or urine sample of any deceased driver or pedestrian at least 15 years of age shall be tested for alcohol, drug, and carbon monoxide concentration following the procedures established by the Department of Public Health and Environment (CRS § 42-4-1301.1; CRS § 42-4-1304).

### **510.7.8 MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD**

A person who possesses a valid medical marijuana registry identification card (RIC) shall not be required to submit to a blood test solely based on the possession of the RIC (CRS § 42-4-1301).

### **510.8 RECORDS BUREAU RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### **510.9 ADMINISTRATIVE HEARINGS**

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Division of Motor Vehicles (DMV).

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

### **510.10 TRAINING**

The Professional Standards Bureau Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Professional Standards Bureau Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

## Traffic Citations

### 512.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

### 512.2 RESPONSIBILITIES

Employees of this department shall use the approved traffic citation for all traffic offense citations.

The department shall use traffic citations in compliance with state law (CRS § 42-4-1707), or traffic violation /offense procedures in compliance with EMC 11-1B-1 and 11-1B-2.

The Records Bureau is responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by the Records Bureau staff. Officers will sign for the citation books when issued.

### 512.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the on duty supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the reviewing supervisor may request that the Patrol Division Chief recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Chief for review.

### 512.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Bureau.

### 512.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a memorandum requesting a specific correction to his/her immediate supervisor. The memorandum and citation shall then be forwarded to the Records Bureau. The Records Bureau shall forward the memorandum of correction and the citation to the court having jurisdiction upon completion of data entry.



# Englewood Police Department

Englewood PD Policy Manual

## *Traffic Citations*

---

### **512.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Bureau.

### **512.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to local regulations (CRS § 43-2-135(1)(g) and CRS § 42-4-110(1)). A parking violation may be appealed by filing a request with the court and posting fees as required.

### **512.8 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles vary from the procedure for adults (CRS § 42-4-1707(1)(b)). The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

## Disabled Vehicles

### 515.1 PURPOSE AND SCOPE

The Englewood Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

### 515.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

### 515.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

#### 515.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2) is not considered a mechanical repair.

#### 515.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

### 515.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

## Chapter 6 - Investigation Operations

---

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

### 600.2 INITIAL INVESTIGATION

#### 600.2.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators, scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Supervisor.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

#### 600.2.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

### 600.3 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of

# Englewood Police Department

## Englewood PD Policy Manual

### *Investigation and Prosecution*

---

a patrol supervisor or the Division Chief. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **600.4 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record-keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

##### **600.4.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

##### **600.4.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

# Englewood Police Department

Englewood PD Policy Manual

## *Investigation and Prosecution*

---

### **600.5 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

### **600.6 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

### **600.7 POLICY**

It is the policy of the Englewood Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## *Investigation and Prosecution*

---

### **600.8 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### **600.8.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of an individual who is suspected of having committed a Class 1 or Class 2 felony or felony sexual assault offense shall be recorded (audio and video) in its entirety when the interrogation takes place at any Englewood Police Department facility (CRS § 16-3-601) unless:

- (a) The individual requests that the interrogation not be recorded.
  - 1. The request must be made in writing or at the beginning of the recording.
- (b) The recording equipment fails.
- (c) Recording equipment is unavailable due to damage or other extraordinary circumstances.
- (d) Exigent circumstances prevent the recording of the interrogation.
- (e) The individual is interrogated outside the state of Colorado.

Any custodial interrogation of an individual who is suspected of having committed any other violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

## Surveillance and Undercover Operations

### **601.1 SURVEILLANCE AND UNDERCOVER OPERATIONS.**

All surveillance ,undercover and decoy operations are under the operational control of one designated individual assigned by the Chief of Police or his designee. A thorough analysis and identification of possible problems and persons involved precede surveillance, undercover or decoy operations. Operatives make contact with suspects only when adequate cover is available, and in accordance with legal precedents. An analysis and total familiarization with targets or target areas is conducted before any operation begins.

Emergency communications are prearranged in writing for undercover operations, and include:

- verbal signals to inform of problems or danger;
- visual signals to inform of problem or danger signal;
- availability of telephone or radio contact;
- prearranged time checks.

Unit supervisors are responsible for determining any legal issues surrounding an undercover operation.

Criteria for an arrest are outlined prior to the start of undercover, surveillance or decoy operations, and include probable cause, safety, and whether an immediate arrest is necessary or may compromise an ongoing investigation.

The unit supervisor is responsible for providing adequate cover and security, and will, when possible provide on-scene supervision.



# Sexual Assault Investigations

## 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 18, Article 3, Part 4 (Unlawful Sexual Behavior) of the Colorado Revised Statutes.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 602.2 POLICY

It is the policy of the Englewood Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

## *Sexual Assault Investigations*

---

### **602.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **602.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **602.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART or multidisciplinary response team.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
  - 6. Techniques for communicating with victims to minimize trauma.

### **602.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART or the multidisciplinary response team should be included in the initial victim interviews.

# Englewood Police Department

## Englewood PD Policy Manual

### *Sexual Assault Investigations*

---

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in a report.

Victims should be notified if forensic medical evidence has been submitted to an accredited crime laboratory (CRS § 24-4.1-302.5).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **602.7.1 TRUTH VERIFICATION EXAMINATIONS**

Members of the Englewood Police Department shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation (34 USC § 10451; CRS § 18-3-407.5).

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (CRS § 18-3-407.5).

#### **602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. Forensic medical evidence shall be collected if the victim requests the collection (CRS § 24-33.5-113; 8 CCR 1507-29).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

No Englewood Police Department member shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5).

# Englewood Police Department

Englewood PD Policy Manual

## *Sexual Assault Investigations*

---

### 602.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (CRS § 24-33.5-113; 8 CCR 1507-29):

- (a) Obtain the victim's written consent prior to collection of any forensic medical evidence, using the form required by the Department of Public Safety (DPS).
- (b) Submit evidence to the Colorado Bureau of Investigation or an accredited crime laboratory within 21 days, unless the victim withdraws consent.
- (c) Retrieve medical forensic evidence when contacted by a medical facility for appropriate retention (CRS § 18-3-407.5).

Forensic evidence associated with an anonymous report made pursuant to CRS § 12-240-139 shall not be submitted to a laboratory for testing (CRS § 18-3-407.5).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### 602.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable (CRS § 24-4.1-302.5).

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

### 602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Bureau supervisor.

Classification of a sexual assault as unfounded requires the Criminal Investigations Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted the victim's original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

The assigned investigator should inform the victim of any change in status of the case, including cases that are closed or reopened (CRS § 24-4.1-302.5).

## *Sexual Assault Investigations*

---

### **602.10 CASE REVIEW**

The Criminal Investigations Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART or multidisciplinary response team and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

## Informants

### 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Englewood Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Englewood Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 608.2 POLICY

The Englewood Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 608.3 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Criminal Investigations Bureau supervisor will discuss the above factors with the Special Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

#### 608.3.1 AUDIT OF PAYMENTS

The Criminal Investigations Bureau supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

Each year the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

# Englewood Police Department

Englewood PD Policy Manual

## Informants

---

### 608.3.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

### 608.3.3 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Criminal Investigations Bureau buy/expense fund.
  1. The Criminal Investigations Bureau supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
  1. The check shall list the case numbers related to and supporting the payment.
  2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
  1. The cash transfer form shall include the following:
    - (a) Date
    - (b) Payment amount
    - (c) Englewood Police Department case number
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  2. The cash transfer form shall be signed by the informant.
  3. The cash transfer form will be kept in the informant's file.

### 608.4 USE OF INFORMANTS

# Englewood Police Department

Englewood PD Policy Manual

## *Informants*

---

### **608.4.1 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

### **608.4.2 JUVENILE INFORMANTS**

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

### **608.4.3 INITIAL APPROVAL**

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### **608.5 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Chief, Criminal Investigations Bureau supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Englewood Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.



# Englewood Police Department

Englewood PD Policy Manual

## Informants

---

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Bureau supervisor.
  3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Criminal Investigations Bureau supervisor.
1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

### 608.5.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

# Englewood Police Department

Englewood PD Policy Manual

## Informants

---

- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

### 608.6 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigations Bureau. The Criminal Investigations Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Chief, Criminal Investigations Bureau supervisor or their authorized designees.

The Special Operations and Codes Division Chief should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Criminal Investigations Bureau supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

#### 608.6.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement

# Englewood Police Department

Englewood PD Policy Manual

## *Informants*

---

- (l) Update on active or inactive status of informant

# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (CRS § 16-1-109; CRS § 16-1-110).

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

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

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

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

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

## 610.2 POLICY

The Englewood Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy (CRS § 16-1-110).

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time, and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

# Englewood Police Department

Englewood PD Policy Manual

## *Eyewitness Identification*

---

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (CRS § 16-1-109).
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as they did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness (CRS § 16-1-109).
- (i) A signature line where the witness acknowledges understanding the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain they are of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary (CRS § 16-1-109).

### **610.5 EYEWITNESS IDENTIFICATION**

Members shall avoid influencing,, in any way, a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (CRS § 16-1-110). Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses shall view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report (CRS § 16-1-109).

# Englewood Police Department

## Englewood PD Policy Manual

### *Eyewitness Identification*

---

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

#### **610.6.1 REPORTING TO COLORADO DIVISION OF CRIMINAL JUSTICE**

The following statistical data regarding field identifications shall be reported to the Colorado Division of Criminal Justice as required by CRS § 24-31-903 (see the Records Bureau Procedures Policy) (CRS § 16-1-109):

- (a) Date, time, and location
- (b) Gender, age, and race of the subject and any eyewitness
- (c) Alleged crime
- (d) Outcome of the show-up

#### **610.7 PUBLIC ACCESS TO POLICY**

This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

#### **610.8 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (CRS § 16-1-109).

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (CRS § 16-1-109).

The member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

#### **610.9 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

# Englewood Police Department

Englewood PD Policy Manual

## *Eyewitness Identification*

---

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) The person who is the subject of the show-up shall not be shown to the witness while handcuffed or in a patrol vehicle, except in circumstances to prevent imminent threat of physical harm to the officer or another person, or to prevent the escape of the subject (CRS § 16-1-110).
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.
- (f) In cases involving multiple subjects, the member shall separate the subjects and witnesses shall only be permitted to view the subjects of the show-up one at a time (CRS § 16-1-110).
- (g) The person who is the subject of the show-up shall not be required to put on described clothing worn by the suspect, to speak specific words uttered by the suspect, or to perform other specific actions mimicking those of the suspect during the commission of the crime (CRS § 16-1-110).
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

### 610.9.1 STATE FIELD IDENTIFICATION REQUIREMENTS

An officer conducting a field identification shall (CRS § 16-1-110):

- (a) Transport each witness separately to the location of the field identification.
- (b) Conduct the show-up in a well-lit location with an unobstructed view of the subject of the show-up.
- (c) Separate eyewitnesses from one another at the location of the show-up.
- (d) Provide verbal notification as required by CRS § 16-1-110(3)(d) to each witness prior to showing them the subject.

# Englewood Police Department

Englewood PD Policy Manual

## *Eyewitness Identification*

---

- (e) Ask the witness about their level of confidence when an identification is made and document the response in the witness's own words.
- (f) Use a body-worn camera to create a video of the entire show-up procedure.

Field identifications shall only be used (CRS § 16-1-110):

- (a) When a crime has been reported and:
  - 1. An officer, acting on reasonable suspicion, has detained the suspect of the crime within minutes of the commission of the crime and near the location of the crime.
  - 2. A live or photo lineup is not available as a means of identification given the circumstances.
  - 3. A witness reasonably believes a subject can identified.
- (b) To verify the identity of a person involved in an intimate relationship as defined in CRS § 18-6-800.3.
- (c) To confirm the identity of a family member known to the witness.

If an eyewitness makes an identification at a show-up and the subject is arrested, additional attempts at identifying the subject shall be through a photographic or live lineup (CRS § 16-1-110).



## Brady Material Disclosure

### 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 612.1.1 DEFINITIONS

Definitions related to this policy include:

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

### 612.2 POLICY

The Englewood Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Englewood Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file

# Englewood Police Department

Englewood PD Policy Manual

## *Brady Material Disclosure*

---

### 612.3.1 BRADY PROCESS

The Chief of Police shall select a member of the Department to coordinate requests for Brady information. This person shall be directly responsible to the Support Services Division Chief or the authorized designee.

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

- Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes Brady information and the method for notification and disclosure.
- Maintaining a current list of members who have Brady information in their files or background.
- Updating the member list whenever potential Brady information concerning any Department member becomes known to the department or is placed into a personnel or internal affairs file.

### 612.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
  1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

# Englewood Police Department

Englewood PD Policy Manual

## *Brady Material Disclosure*

---

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

### **612.4.1 DISCLOSURE OF MISREPRESENTATIONS**

The Chief of Police or the authorized designee shall notify the local district attorney within seven days of any sustained finding that an officer has made a knowing misrepresentation in any of the following (CRS § 24-33.5-114; CRS § 30-10-525; CRS § 31-30-107; CRS § 33-9-111):

- (a) Testimony or an affidavit provided in the scope of the officer's employment.
- (b) During the course of any internal investigation of the officer that relates to alleged criminal conduct, official misconduct or the excessive use of force.

### **612.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **612.6 SUBPOENA PROCESSING**

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

### **612.7 TRAINING**

Department personnel should received periodic training on the requirements of this policy.

# Operations Planning and Deconfliction

## 613.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 613.2 POLICY

It is the policy of the Englewood Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 613.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 613.4 RISK ASSESSMENT

### 613.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

# Englewood Police Department

Englewood PD Policy Manual

## *Operations Planning and Deconfliction*

---

- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental health disorder, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

### 613.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisors and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 613.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  1. Englewood Tactical Team (SWAT)
  2. Additional personnel
  3. Outside agency assistance
  4. Special equipment
  5. Medical personnel
  6. Persons trained in negotiation

# Englewood Police Department

Englewood PD Policy Manual

## *Operations Planning and Deconfliction*

---

7. Additional surveillance
  8. Canines
  9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
  - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
  - (d) Coordinate the actual operation.

### **613.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

### **613.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental health disorder issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

# Englewood Police Department

Englewood PD Policy Manual

## *Operations Planning and Deconfliction*

---

- information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

### 613.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

### 613.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

# Englewood Police Department

## Englewood PD Policy Manual

### *Operations Planning and Deconfliction*

---

responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operations director to ensure that the Dispatch Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - 2. If the radio channel needs to be monitored by the Dispatch Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **613.8 SWAT PARTICIPATION**

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **613.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **613.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.



## *Operations Planning and Deconfliction*

---

### **613.11 TRAINING**

The Professional Standards Bureau Sergeant should ensure officers and SWAT team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

### **613.12 SPECIAL EVENTS AND DIGNITARY PROTECTION**

For special events, including dignitary visits, that require department involvement, the operations director should also consider whether to apply some or all of this policy to the event and address the following:

- (a) The size of any crowds anticipated to gather and the likelihood that crowd control could pose a problem
- (b) The possibility of crime in the area
- (c) Protection of VIPs
- (d) Coordination with VIP teams
- (e) Coordination of VIP management with other jurisdictions
- (f) Whether the Department has the capacity to handle the event and, if not, ensure that assistance from the appropriate outside agencies is coordinated
- (g) Personnel allocation
- (h) Possible use of private security
- (i) Traffic management plans
- (j) Arrest protocol, including management of mass arrests

---

## Warrant Service

### 614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 614.2 POLICY

It is the policy of the Englewood Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 614.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

# Englewood Police Department

Englewood PD Policy Manual

## Warrant Service

---

to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### 614.5.1 SERVICE OF ARREST WARRANTS

Arrest warrants may be executed only by sworn law enforcement officers. Any arrest made on a warrant must be verified by documentation that some agency has that warrant in its possession and that to the best of that agency's knowledge the warrant is still in effect or that the warrant is active in the warrant management system. No member shall make an arrest on a warrant unless he/she confirms the present status of the warrant immediately before making the arrest.

### 614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

### 614.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution

# Englewood Police Department

Englewood PD Policy Manual

## Warrant Service

---

of a search warrant. The images should include the surrounding area and persons present.

- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

### **614.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

### **614.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

# Englewood Police Department

Englewood PD Policy Manual

## *Warrant Service*

---

### 614.9.1 RECORDS

Information regarding each item of civil or criminal legal process shall be recorded including, but not limited to:

- The date and time the document was received.
- The type, nature and source of the document.
- The name of the plaintiff, complainant, defendant or respondent.
- The name of the officer assigned to the service and the date assigned.
- The court docket number, if applicable.
- The service due date.

Information regarding the service of documents shall include, but is not limited to:

- The date and time the service was attempted or executed.
- The name of the officer attempting or executing the service.
- The name of the person who was the subject of the service.
- The method of service or the reason for non-service.
- The address of the service attempt or execution.

Warrant service records shall be retained in accordance with the established records retention schedule.

### **614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Englewood Police Department are utilized appropriately. Any concerns regarding the requested use of Englewood Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Patrol Supervisor should assume this role.

# Englewood Police Department

Englewood PD Policy Manual

## *Warrant Service*

---

If officers intend to serve a warrant outside Englewood Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Englewood Police Department when assisting outside agencies or serving a warrant outside Englewood Police Department jurisdiction.

### **614.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### **614.12 TRAINING**

The Professional Standards Bureau Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

## Asset Forfeiture

### 615.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 615.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Englewood Police Department seizes property for forfeiture or when the Englewood Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - Property may generally be subject to forfeiture under the Public Nuisance Abatement Act and the Contraband Forfeiture Act when (CRS § 16-13-303; CRS § 16-13-307; CRS § 16-13-504):

- (a) There has been a conviction or a negotiated plea of a specified offense (see statutes), or the owner fled from an arrest warrant charging one of those offenses.
- (b) Possession of the property was unlawful or the owner of the property was a party to the offense that led to the property's use or purchase.
- (c) The property was instrumental in the commission or facilitation of a specified crime, or the property constitutes traceable proceeds of the crime or related criminal activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

### 615.2 POLICY

The Englewood Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Englewood Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

# Englewood Police Department

Englewood PD Policy Manual

## Asset Forfeiture

---

### 615.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

#### 615.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer.

- (a) Real property pursuant to a court order (CRS § 16-13-302).
- (b) Non-real property when there is probable cause to believe that it will qualify as property subject to forfeiture and the seizure is incident to a lawful search (CRS § 16-13-315; CRS § 16-13-504).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### 615.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the district attorney's current minimum forfeiture thresholds should not be seized.
- (b) The owner of the property is an "innocent owner" and did not have knowledge of the illegal conduct prompting the seizure (CRS § 16-13-303; CRS § 16-13-504).
- (c) Rental vehicles, unless the seizing agency has probable cause to believe the motor vehicle rental company, at the time of rental, had knowledge or notice of the criminal activity for which the rental car was used (CRS § 16-13-315; CRS § 16-13-504).

### 615.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be



# Englewood Police Department

Englewood PD Policy Manual

## *Asset Forfeiture*

---

booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### **615.5 MAINTAINING SEIZED PROPERTY**

The Property and Evidence Section supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### **615.6 FORFEITURE REVIEWER**

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly CRS § 16-13-501 et seq. and CRS § 16-13-301 et seq., in addition to the forfeiture policies of the district attorney.
- (b) Serving as the liaison between the Department and the district attorney and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

# Englewood Police Department

Englewood PD Policy Manual

## Asset Forfeiture

---

- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement officers involved.
  - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  - 3. A space for the signature of the person from whom cash or property is being seized.
  - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
  - 4. Property is promptly released to those entitled to its return (CRS § 16-13-501.5; CRS § 16-13-302).
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  - 6. Any cash received is deposited with the fiscal agent.
  - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.

# Englewood Police Department

## Englewood PD Policy Manual

### *Asset Forfeiture*

---

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
  - (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
  - (j) Selling or destroying forfeited property as ordered by a court (CRS § 16-13-506; CRS § 16-13-507; CRS § 16-13-311).
  - (k) Depositing forfeited money in the court registry where the forfeiture order was entered, and overseeing the sale to ensure that the proceeds are distributed as set forth in CRS § 16-13-311.
  - (l) Applying to the court for expenses reimbursement consistent with CRS § 16-13-311, when applicable, and sending copies of the documents to the district attorney.
  - (m) Unless directed by an authorized agent of the federal government, ensuring that no seized property is transferred to a federal agency for forfeiture under federal law unless an owner of the property is being prosecuted in federal court (CRS § 16-13-505; CRS § 16-13-307).
  - (n) Placing currency seized in an interest-bearing account during forfeiture proceedings after ensuring that portions of the bills have been photocopied for evidence at hearings (CRS § 16-13-510; CRS § 16-13-303).
  - (o) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property (CRS § 16-13-501.5; CRS § 16-13-302).
  - (p) Upon completion of any forfeiture process, ensuring that no property is retained by the Englewood Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
  - (q) Reporting seizure information within the required time periods (even if no forfeiture proceeds were received) to the Colorado Department of Local Affairs (DOLA) as set forth in CRS § 16-13-701.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

# Englewood Police Department

## Englewood PD Policy Manual

### *Asset Forfeiture*

---

#### **615.7 DISPOSITION OF FORFEITED PROPERTY**

No forfeited property shall be used and no forfeited proceeds shall be expended until the committee on the disposition of forfeited property approves (CRS § 16-13-702). Members are prohibited from purchasing forfeited property (CRS § 16-13-501.5; CRS § 16-13-302).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

#### **615.8 FORFEITURE PAYMENTS FROM FEDERAL AGENCIES**

Payments or distributions from a federal agency as a result of a forfeiture action may only be received by this department when the aggregate net equity value of the property and/or currency seized is in excess of \$50,000, and a forfeiture proceeding has been commenced by the federal government related to a filed criminal case (CRS § 16-13-306.5; CRS § 16-13-504.5).

#### **615.9 GRANTS FROM THE DIVISION OF CRIMINAL JUSTICE**

The forfeiture reviewer is responsible for ensuring funds received through a grant from the Colorado Division of Criminal Justice (DCJ) are used in a manner that complies with the policies and procedures established by DCJ, and that any necessary reporting is completed and submitted to DCJ in the required time frame (CRS § 24-33.5-522).

## Chapter 7 - Equipment

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

#### 700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, and use of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline as outlined in the Code of Conduct.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.
  - 1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Division Chief that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
  - 2. A review by the staff or the EIRC committee to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

# Englewood Police Department

Englewood PD Policy Manual

## *Department-Owned and Personal Property*

---

### 700.2.2 WEARING OF DEPARTMENT UNIFORM

#### **Department Uniform**

No part of the uniform, other than the duty firearm, may be worn with non-uniform articles.

The uniform shall be clean, well fitted, and neatly pressed at all times.

Officers may elect to wear either a long-sleeved or short-sleeved uniform shirt. Uniform shirts shall be worn with Englewood police shoulder patches on each sleeve. Shirts will be pressed with military creases. Shirrtails shall be neatly tucked into the trousers. Rolled or tucked under sleeves are not authorized. Insignias of rank and longevity stripes shall be worn, as appropriate.

Any protective vest or jewelry will be worn with the uniform shirt in such a manner as to be totally concealed while the officer is in a standing position.

An officer may elect to wear a black T-shirt or turtleneck shirt under his or her uniform. If the officer chooses to wear another color shirt, it must not show under normal working conditions.

The shirt must not be frayed, faded, or dingy in appearance.

The uniform tie is optional while wearing the long-sleeved shirt, except as directed or mandated for ceremonies. A department-issue tie tack shall be worn in the center of the tie in a horizontal line with the inside lower corners of the breast pocket flaps.

#### **Uniform Badge and Nameplate**

The Englewood police badge is worn over the left breast pocket on the shirt. When wearing the department-approved leather jacket or sweater, wear the badge over the left breast. The badge shall be kept brightly polished at all times. Abrasive polishes should not be used.

The department-issue nameplate is worn on the uniform shirt, centered on the crease directly over the right pocket (the pocket opposite the badge), with the bottom edge of the plate along the top of the pocket.

When wearing the department approved uniform sweater the nameplate or embroidered name patch is worn on the right side of the sweater directly opposite the uniform badge. When wearing the nameplate on the department-approved leather jacket, the nameplate is worn above the right breast pocket.

#### **Uniform Trousers**

Department-issue trousers are worn so as to ensure that the creases hang straight. All buttons will be buttoned and zippers zipped. Trousers shall not be baggy, and bulky items shall not be carried in the front pockets. Trousers and shirts shall be neatly tailored to fit the individual wearer.

#### **Uniform Accessories and Foul Weather Gear**

Black or navy blue socks will be worn with the uniform, should not present a droopy or faded appearance, and will completely cover the legs between the uniform shoe and trouser cuffs when the officer is seated. White socks can be worn with boots only; however, should not be visible while performing normal duties.

# Englewood Police Department

Englewood PD Policy Manual

## *Department-Owned and Personal Property*

---

Gloves worn with the uniform shall be black and, as with socks, must be provided at the officer's own expense. Gloves may be worn in cold weather or at the officer's discretion for personal protection, if the situation dictates or is warranted. The gloves may not be fingerless with the exception of the index finger.

Issue uniform jackets are worn with Englewood police shoulder patches, cloth badge displayed over the left breast pocket, and with insignias of rank and longevity stripes attached, as appropriate.

The individual officer may elect to purchase and wear a department-approved leather jacket in place of the issued jacket. The leather jacket will be of a particular brand name and style as selected by the department. The department-approved leather jacket must be purchased, cleaned, and maintained at the officer's expense, and is not considered essential equipment. When an officer wears the jacket, the badge is worn on the upper left side and the nameplate on the right.

Officers assigned to the motorcycle unit will be issued an alternative uniform jacket. This jacket will have POLICE printed across the back and a cloth or embroidered badge on the front left breast. This jacket may not be worn if the officer is wearing a regular patrol uniform.

Officers may wear a navy blue uniform sweater over the uniform shirt. The sweater will be of a particular brand name and style as selected by the department. The sweater is not considered essential equipment. The sweater will either be rolled or tucked in at the waist so as not to interfere with the immediate accessibility of the officer's weapon or other equipment worn on the gun belt. A badge patch will be sewn onto the sweater over the left breast and the nameplate will be worn over the right breast. No other medals or service awards will be worn on the sweater.

Englewood police patches, provided by the department, will be sewn onto each sleeve or the sweater at the department's expense.

During particularly severe weather, officers may take whatever reasonable precautions are necessary to protect themselves from the elements. Such precautions must first be approved by the on-duty supervisor, and must not significantly detract from the department-issue uniform in either color or style.

Such precautions will be temporary and will be based on the duration of exposure to the elements, and the individual needs of the officer. Examples of such precautions may include alternate footwear for extremely deep snow, and alternate headgear for extreme cold.

### **Leather and Supplemental Equipment**

The duty belt and all affixed equipment shall be black basket weave leather. No other material is acceptable. Nylon duty belts and equipment may only be worn by members of the Englewood Tactical Team while performing duties specific to that unit.

All leather equipment, other than shoes, will be black basket-weave style kept brightly polished at all times.



# Englewood Police Department

Englewood PD Policy Manual

## *Department-Owned and Personal Property*

---

The issue equipment belt shall be worn with either a silver- or gold-colored buckle, depending on rank, and in such a way that it fits the wearer's waist with no appreciable deviation from the horizontal plane; and is attached to the trouser belt with department-issue keepers.

The officer shall wear equipment on the duty belt in compliance with the way in which they were trained.

Only the department-issue holster is used for the primary duty weapon.

The department will issue each officer up to two pairs of handcuffs and the appropriate handcuff case(s).

The department-issue handcuff case(s) may be worn on either the strong or weak side and the placement of the handcuff case will conform to the manner in which the officer was trained. The handcuff case will be snapped closed at all times except when the handcuffs are in use.

Wearing of the issued key ring holder is optional.

Wearing of the issued metal or leather radio holder is optional.

Officers may elect to carry additional ammunition magazines. Additional ammunition magazines will be carried in a holder of a style issued or approved by the department.

Additional magazines must be individually purchased at the officer's expense.

A 21 or 26 inch expandable baton will be issued to every officer. The baton shall be carried in a department-issue holder. Officers may choose to carry a straight baton in addition to the expandable baton.

Officers may elect to use a portable radio earpiece at their discretion.

Shoes - The department will issue shoes to be worn with the department uniform. If an individual desires to wear a shoe other than the one purchased by the department, he or she will be provided a monetary credit of \$200 towards the purchase price of the other shoe. If the officer purchases a shoe that is more expensive than the department-issue shoe, the officer is responsible for the cost difference.

The uniform shoe may not deviate from the outward appearance of the issued shoe.

The uniform shoe must be black in color and have a plain rounded toe, capable of being polished to a shine. Tennis or canvas shoes are not acceptable.

Modifications to the department-issue shoe may not alter the outward appearance of the shoe.

### 700.2.3 NON-UNIFORM ASSIGNMENTS

On-duty non-uniform personnel will adhere to the following dress guidelines:

Personnel will wear professionally appropriate business casual attire.

Collared shirts, neatly pressed and clean trousers, and shoes or boots.

# Englewood Police Department

Englewood PD Policy Manual

## *Department-Owned and Personal Property*

---

Sport shirts may be embroidered with the department badge, the officer's name, and the officer's assignment.

Shoes and boots must be neat and in keeping with the professional and businesslike appearance standard.

Athletic type shoes will only be allowed on designated casual days or during after hours assignments.

Coats or topcoats may be worn as needed in addition to business attire.

Necklaces, bracelets, and jewelry may be worn, but must be reasonably conservative. If male personnel wear a necklace, it will be worn under the shirt and tie and out of view. Male personnel will not be permitted to wear earrings or studs while on duty or when testifying in court.

On the last day of the normal scheduled work week which are generally referred to as casual days non-uniform personnel may wear jeans provided that the jeans are clean and neat in appearance and do not appear in any way worn out, overly faded, or frayed at the seams or cuffs.

Supervisors will ensure that assigned personnel dress in an appropriate manner and in keeping with the business and professional demeanor of the department.

Some permanent or temporary special assignments may require that an officer take on an appearance other than that normally associated with a police officer in a more visible position. An officer so assigned may be authorized by his or her department commander to dress according to the requirements of the task at hand, and wear a hair style, grow a beard or other facial hair, or take other steps to disguise his or her true appearance and identity.

### 700.2.4 COURT APPEARANCE AND Demeanor

Police officers assigned to the Patrol Bureau will appear at court in uniform when on-duty, or when the appearance begins within two hours of the start of the officer's tour of duty. Otherwise, the wearing of the uniform to court by sworn personnel is optional. When a uniform is not worn for a court appearance, department personnel shall dress appropriately, within the following guidelines:

Male personnel will wear a suit or combination sport coat and neatly pressed trousers, dress shirt, necktie, and shoes or boots. Denim slacks, turtleneck sweaters, and canvas-type shoes are not permitted.

Female personnel will dress in a professional manner to include suits, dresses, pantsuits, dress slacks, and blouses, Denim slacks, canvas shoes, spandex slacks, sweatpants, tank tops, and sundresses are not considered appropriate attire.

Shoes and boots must be neat and in keeping with the professional and businesslike appearance standard. Inclement weather footwear must be conservative, and employees must have dress footwear available.

Coats or topcoats may be worn as needed in addition to business attire.

# Englewood Police Department

## Englewood PD Policy Manual

### *Department-Owned and Personal Property*

---

Necklaces, bracelets, and jewelry may be worn, but must be reasonably conservative. If male personnel wear a necklace, it will be worn under the shirt and tie and out of view. Male personnel will not be permitted to wear earrings or studs while on duty or when testifying in court.

When waiting to testify in any court or hearing, or during any court recess, department personnel are expected to conduct themselves in a mature and professional manner at all times.

#### 700.2.5 BULLET RESISTANT VEST

The Englewood Police Department purchases each officer a bullet resistant vest, and replaces the vest every five years in accordance with the contract between the city of Englewood and the Englewood Police Benefit Association.

All sworn department personnel shall utilize personal bullet resistant vests for uniform duty assignments.

All members of the Englewood Tactical Team are required to have a bullet resistant vests and to wear them during any tactical team operation. In addition entry vests are available for entry teams at any time.

### **700.3 USE OF PERSONAL PROPERTY**

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Division Chief. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

#### 700.3.1 DEFINITIONS

Definitions related to this policy include:

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

#### 700.3.2 PERSONALLY OWNED EQUIPMENT REPLACEMENT

The department recognizes the necessity for its employees to wear or use various personally owned items of clothing and equipment during the normal course of duty; for example: eye glasses required to correct vision or protect the eyes, duty weapon, briefcases, watches, gloves, flashlights, and items of equipment or clothing required for training or special assignment. Sunglasses worn on duty will not have bright or fluorescent-colored frames or lenses. The department also recognizes that these personally owned items may become damaged during the performance of the employee's duties. Guidelines are therefore established for the replacement of such damaged items. The wearing or carrying of nonessential items of clothing or jewelry is discouraged. Such items will not be replaced when worn or damaged regardless of the circumstances. These items include optional leather jacket and combat-style sweater. Essential

# Englewood Police Department

## Englewood PD Policy Manual

### *Department-Owned and Personal Property*

---

items damaged or lost as a result of carelessness, inattention, accidental dropping, or normal wear and tear will not be repaired or replaced by the department. Personally owned essential items damaged or lost may be replaced when: the damage or loss resulted directly from the performance of a specific act required by duty; the circumstances of the incident, out of which the damage or loss occurred, must be unique to the duties and responsibilities of the employee; for example: pursuit of a suspect, physical confrontation, or specialized training; the item damaged or lost must logically have been required for on-duty use, or have been previously authorized for use by a supervisor; the circumstances and specifics of the incident must be documented on appropriate department forms. Upon authorized approval, items are replaced according to the following schedule: prescription eye glasses and prescription sunglasses—total repair or replacement cost, excluding eye exam; gloves—cost not to exceed \$25; watches—cost for repair or replacement of watch not to exceed \$50, and for watchband, \$15; briefcase—replacement or repair not to exceed \$100; primary duty firearm—actual total cost for repair or replacement of the weapon; special modifications and custom grips or sights are not allowed unless otherwise approved by the Chief of Police. Requests for repair or replacement of lost or damaged items must be submitted within 72 hours following the incident. The requesting officer should submit a memorandum describing the request to his or her supervisor. Copies of related reports will be attached. The supervisor will investigate the circumstances and make recommendations to the Division Commander.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

##### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Englewood, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Chief.

## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

### 702.2 POLICY

The Englewood Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files, without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for the investigation of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search

# Englewood Police Department

Englewood PD Policy Manual

## *Personal Communication Devices*

---

of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

### **702.4 DEPARTMENT-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

### **702.5 PERSONALLY OWNED PCD**

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Carrying a personally owned PCD is a privilege, not a right.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
- (e) The device should not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond

# Englewood Police Department

Englewood PD Policy Manual

## *Personal Communication Devices*

---

to electronic communications using a personally owned PCD while off-duty. Employees are required to provide emergency contact information to the Department.

### **702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

### **702.7 SUPERVISORY RESPONSIBILITIES**

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the

## *Personal Communication Devices*

---

use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (CRS § 42-4-239). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **702.9 OFFICIAL USE**

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations
- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available



## Hair and Mustaches

### 703.1 HAIR AND MUSTACHES

Regulations regarding hair length, or mustache, and sideburn styles, are enforced according to supervisory judgment and may vary in allowances for comparative length, fullness, and style with each individual officer.

Supervisory personnel will consider the following criteria when determining acceptable individual grooming standards:

- a. The gender of the officer
- b. The overall appearance of the individual officer
- c. Uniformity among officers
- d. The overall department image
- e. The compatibility of the hair style with the wearing of the department-issue hat or gas mask
- f. The safety of the officer (i.e., is the hair of such a length that it could be easily grasped by a combative prisoner, or could hinder the officer's ability to see under any condition)

## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

### 704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs of repair.

#### 704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

#### 704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

#### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

### 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

#### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 fire extinguisher
- Protective gloves

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Maintenance*

---

- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- Traffic cones
- Shotgun

### **704.3.2 UNMARKED VEHICLES**

An employee driving an unmarked Department vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- Protective gloves
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

### **704.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department-owned vehicles are used appropriately. City CityThis policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Englewood to provide assigned take-home vehicles.

### 706.2 POLICY

The Englewood Police Department provides vehicles for department-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 706.3 USE OF VEHICLES

#### 706.3.1 SHIFT ASSIGNED VEHICLES

The Patrol Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift, forwarded to the dispatch center, and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

#### 706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first request permission from the Patrol Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

#### 706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

# Englewood Police Department

## Englewood PD Policy Manual

### *Vehicle Use*

---

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 706.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify the Dispatch Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

#### 706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Chief approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 706.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Use*

---

### 706.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

### 706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

### 706.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

### 706.3.12 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## **706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

### 706.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

### 706.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Use*

---

- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Englewood City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

### **706.5 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Patrol Supervisor on the shift assignment roster.

### **706.6 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accident Response And Reporting Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **706.7 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

### **706.8 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department-owned vehicle on a toll road shall adhere to the following:

- (a) Members operating a department-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit for reimbursement from the City for any toll fees incurred in the course of official business.

# Englewood Police Department

Englewood PD Policy Manual

## *Vehicle Use*

---

- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Chief within five working days explaining the circumstances.



## Cash Handling, Security and Management

### 710.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 710.2 POLICY

It is the policy of the Englewood Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 710.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 710.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 710.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

# Englewood Police Department

Englewood PD Policy Manual

## *Cash Handling, Security and Management*

---

### **710.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Criminal Investigations Bureau supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

### **710.7 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch data
- Analytical software

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## Crime Prevention

### 801.1 PURPOSE AND SCOPE

It is the responsibility of Englewood police personnel to interact with the community, provide leadership and education, generate public support for crime prevention, and encourage voluntary compliance with the law. The Englewood Police Department is committed to the prevention of crime through community programs and the application of community policing principles.

#### 801.1.1 COMMUNITY RELATIONS/CRIME PREVENTION

In order to fulfill its commitment to crime prevention efficiently and effectively, the police department maintains a community relations/crime prevention position. The employee assigned to this position is under the command of the Deputy Chief of Police.

In addition, all department personnel are responsible for the anticipation, recognition, and appraisal of crime risks.

#### 801.1.2 COMMUNITY RELATIONS/CRIME PREVENTION RESPONSIBILITIES

The community relations/crime prevention specialist is responsible for the planning, development, implementation, coordination, and supervision of department crime prevention programs.

Crime prevention programs range from basic public education to presentations designed to prevent specific crimes at specific locations. Common objectives of crime prevention presentations include crime reduction, public education, influence of attitudes toward crime prevention, and enhancement of community and individual sense of security. There are several ongoing crime prevention programs that have historically proven to have a positive effect on all of the above objectives and, therefore, are programs that the department provides throughout the city. These programs include Vacation House Watch, Operation ID, and Neighborhood Watch.

## Communication Operations

### 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

#### 802.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Englewood Police Department radio operations shall be conducted in accordance with FCC procedures and guidelines.

### 802.2 COMMUNICATION OPERATIONS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between the Dispatch Center and officers.

#### 802.2.1 CALL HANDLING

When a call for law enforcement services is received, the dispatcher will determine if the call is an emergency or non-emergency. The dispatcher will enter information into the Computer Aided Dispatch system per Standard Operating Procedures and the Dispatch center training manual protocols. Information will be relayed to responding officers via the police radio and electronically to mobile data terminals in the police cars. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding units and the affected citizen. Dispatchers should be courteous, kind, patient and respectful in dealing with the public.

Emergency calls should be dispatched immediately. The Patrol Supervisor shall be notified of pending calls for service when units are unavailable for dispatch.

#### 802.2.2 PROCUREMENT OF EXTERNAL SERVICES

The Englewood Police Department occasionally needs to call upon outside agencies and private companies for assistance. This assistance may be of an emergency or non-emergency nature. Resource contact information is maintained in the dispatch center.

### 802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their calls.

# Englewood Police Department

Englewood PD Policy Manual

## *Communication Operations*

---

### 802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use their entire call sign when calling the Dispatch Center or another unit. The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

## Property and Evidence

### 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (CRS § 13-14.5-108).

#### 804.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property necessitating custody by the Department. The property and evidence technician reports to the Special Operations and Codes Division supervisor and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the property and evidence technician, the designated backup, and the Special Operations and Codes Division supervisor. The property and evidence technician and the Special Operations and Codes Division supervisor shall not loan Property and Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the property and evidence technician must be accompanied by the property and evidence technician or the Special Operations and Codes Division supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

### 804.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence. Property should be booked and logged into the File on Q evidence inventory software as soon as possible in accordance with the Property and Evidence SOP.



# Englewood Police Department

Englewood PD Policy Manual

## *Property and Evidence*

---

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

### 804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) All property booked must be accompanied by a completed property form using the File on Q evidence inventory software. A printed copy will be generated and submitted to Records to attach to the report.
- (b) The officer shall package and label each item of evidence in accordance with the Evidence/Property SOP.
- (c) Copies of the Evidence/Property SOP will be available electronically and in the booking area .
- (d) All narcotics, dangerous drugs, prescription drugs, drug implements, weapons, and negotiable items require a supervisor's signature during the booking process.
- (e) The original property form shall be submitted with the case report.
- (f) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.
- (g) Flammable materials, hazardous materials, and incendiary devices will not be stored in the evidence lockers and shall be maintained in accordance with the Evidence/Property SOP.

### 804.3.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Patrol Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks, road flares, or similar signaling devices that are considered stable and safe may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence technician is responsible for transporting to an appropriate agency that is equipped to safely dispose of such materials, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

# Englewood Police Department

## Englewood PD Policy Manual

### *Property and Evidence*

---

#### 804.3.3 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Any evidence collected which may contain DNA, should be properly labeled as such.
- (b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (c) License plates found not to be stolen or connected with a known crime should be booked into the Property and Evidence unit for return to the owner or destruction.
- (d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property will be booked into the Property and Evidence unit and placed in the bicycle storage area until the Property and Evidence technician can log the property.
- (e) All cash shall be counted in the presence of a supervisor or evidence technician per the Property and Evidence SOP. The supervisor or evidence technician shall witness the count and initial and date the packaging seal along with the officer. The supervisor or technician must also sign the property sheet.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should consult the Property and Evidence SOP for special handling and storage instructions.
- (g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 804.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia

# Englewood Police Department

Englewood PD Policy Manual

## *Property and Evidence*

---

- (e) Fireworks
- (f) Contraband
- (g) Biohazards

### 804.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

### 804.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged per Property and Evidence SOP. The booking officer, supervisor or evidence technician shall initial and date the packaging seals. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the containers supplied in the evidence booking area. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. After weighing the controlled substance will be packaged and sealed as required, initialed and dated by the packaging officer.

The packaging seals are each time controlled substances are checked in or out of the Property and Evidence Section. Any discrepancies shall be noted on the outside of the package. Any changes should be immediately reported to the Records Bureau supervisor.

A completed property tag shall be attached to the outside of controlled substance packaging containers.

### 804.4.3 RIGHT OF REFUSAL

The property and evidence technician has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the property and evidence technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

# Englewood Police Department

## Englewood PD Policy Manual

### *Property and Evidence*

---

#### **804.5 RECORDING OF PROPERTY**

The property and evidence technician receiving custody of evidence or property shall verify each items proper entry into the File on Q system. The File on Q number and bar code will be the permanent record of the property in the Property and Evidence Section. The Property and Evidence technician will scan the property when it is received from the temporary lockers and scant the property in to its designated location. Each transaction is time and date stamped in the File on Q record for that piece of property.

A unique barcode number is created for each piece of property at the time booked by the officer. The booking officer will complete all areas of the property screen during the initial entry. The File on Q program records by property by number, date received, case number, tag number, item description, item location and date disposed.

Any changes in the location of property held by the Englewood Police Department shall be noted in the File on Q property management system.

#### **804.6 PROPERTY CONTROL**

Each time the Property and Evidence technician receives property or releases property to another person, he/she shall enter this information in the File on Q system. Signitures will be obtained for property released or signed out for court. Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court day.

##### **804.6.1 RESPONSIBILITIES OF OTHER PERSONNEL**

Every time property is released or received the transaction shall be entered in File on Q. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Property and Evidence technician. This request may be filled out anytime after booking of the property or evidence.

##### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property in File on Q for laboratory analysis.

The Property and Evidence technician releasing the evidence must complete the required information submission slip. The submission slip and cover letter will be transported with the property to the examining laboratory. Upon delivering the item the employee will record the delivery time and the person to whom it was delivered. The receiving person will sign for the property. The original copy of the submission slip will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

# Englewood Police Department

Englewood PD Policy Manual

## *Property and Evidence*

---

### 804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in File on Q, stating the date, time and to whom it was released.

The property and evidence technician shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

The return of the property will be recorded in File on Q indicating date, time and the person who returned it.

### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The property and evidence technician shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Criminal Investigations Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a property and evidence technician shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

### 804.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence (CRS 24-4.1-302.5(1)(k)). Following a request from the victim, property no longer needed for evidence shall be returned to the victim within five working days unless the property is contraband or subject to forfeiture proceedings (CRS § 24-4.1-303(7)).

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During such period,

# Englewood Police Department

## Englewood PD Policy Manual

### *Property and Evidence*

---

property personnel shall attempt to contact the rightful owner by mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification per city ordinance (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence technician shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered will be recorded in File on Q, a complete chain of custody will be printed and shall be forwarded to the Records Bureau for filing with the case.

#### 804.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following is satisfied (CRS § 13-25-130(3)):

- (a) Photographs of the property are entered and stored in the Veripic system.
- (b) Satisfactory proof of ownership is shown by the owner.
- (c) A declaration of legal ownership is signed under penalty of perjury.
- (d) If a defendant has been filed upon, he/she has been notified that such photographs, video tapes or films have been taken, recorded or produced.
- (e) A receipt for the property is obtained from the owner upon delivery.

#### 804.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

#### 804.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon (18 USC § 922 (d)); CRS § 13-14-102; CRS § 18-1-1001; CRS § 18-6-801). The disposition of all firearms which have been booked into the evidence section shall be reviewed and approved by the Special Operations Division Commander prior to any action being taken.

# Englewood Police Department

## Englewood PD Policy Manual

### *Property and Evidence*

---

#### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

Upon any release or sale of any property an auction manifest will be maintained. Proceeds from the sale of unclaimed property shall be deposited into the City general fund.

##### **804.7.1 EXCEPTIONAL DISPOSITIONS**

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices

##### **804.7.2 UNCLAIMED MONEY**

If found money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property (CRS § 38-13-201).

#### **804.8 RETENTION OF BIOLOGICAL EVIDENCE**

The Property and Evidence Section supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Special Operations and Codes Division supervisor

# Englewood Police Department

## Englewood PD Policy Manual

### *Property and Evidence*

---

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file and a copy forwarded to the Special Operations and Codes Division Chief.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Special Operations and Codes Division Chief should be consulted and the sexual assault victim should be notified at least 60 days prior to the disposition of the evidence. The evidence shall be retained for an additional ten years upon objection by the victim to destruction (CRS § 24-4.1-303; CRS § 18-3-407.5).

#### 804.8.1 SUFFICIENT SAMPLE PRESERVATION

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104(2)).

If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, the property and evidence technician shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

#### 804.8.2 RECORDS RETENTION AND PRESERVATION

The Department shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

- (a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).
- (b) Except as provided by law (CRS § 18-1-1105; CRS § 18-1-1106; CRS § 18-1-1107), the Department shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102(1) and CRS § 18-1-1103(2).



# Englewood Police Department

## Englewood PD Policy Manual

### *Property and Evidence*

---

- (c) A court may order the Department to preserve existing biological evidence for DNA testing at the request of a defendant (CRS § 18-1-414(2)).

#### **804.8.3 EXPUNGEMENT OF DNA EVIDENCE**

A person may qualify for expungement and destruction of DNA evidence. This department will destroy DNA evidence after written notice is received from the Colorado Bureau of Investigation (CRS § 16-23-105).

#### **804.8.4 DISPOSITION OF DNA EVIDENCE**

In cases described in state law (CRS § 18-1-1102(1)(c); CRS § 18-1-1102(1)(d)), the Department may seek to dispose of DNA evidence by providing notice to the District Attorney who prosecuted the charges (CRS § 18-1-1105(2)).

If the District Attorney determines that the DNA evidence should not be disposed of, the District Attorney will provide notice. Upon receipt of the notice, the Department shall preserve the DNA evidence until such time that a court order is obtained to dispose of the DNA evidence (CRS § 18-1-1105(4)).

If the Department does not receive notice from the District Attorney within a reasonable amount of time, the Department may file a motion with the court that entered the conviction in the case, asking for a court order to dispose of the DNA evidence.

The Department may not request permission to dispose of DNA evidence in cases described in state law (CRS § 18-1-1102(1)(a); CRS § 18-1-1102(1)(b); CRS § 18-1-1105(1)).

#### **804.8.5 DISPOSITION OF VICTIM DNA EVIDENCE**

If DNA evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the DNA evidence may be returned. If the District Attorney determines the DNA evidence may be returned, the District Attorney may file a petition with the court for the return of the DNA evidence. Upon proper receipt, the Department will release DNA evidence belonging to the victim (CRS § 18-1-1107).

#### **804.9 REPORT OF ABANDONED PROPERTY (MONEY)**

The Criminal Investigations Bureau supervisor shall complete and file a report of presumed abandoned property to the State Treasurer each year (CRS § 38-13-401). The report shall cover the period from July 1 to June 30 and shall be submitted no later than the immediately following November 1 date (CRS § 38-13-403).

#### **804.10 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION**

On a monthly basis, the Criminal Investigations Bureau supervisor shall inspect the property and evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of property and evidence storage areas shall be conducted annually, as directed by the Chief of Police.

# Englewood Police Department

Englewood PD Policy Manual

## *Property and Evidence*

---

- (b) An annual audit of property and evidence held by the Department shall be conducted by a Division Chief who is not routinely or directly connected with property and evidence control, as assigned by the Chief of Police.
- (c) Whenever a change is made in personnel who have access to the Property and Evidence Section, an inventory of all evidence/property shall be made by an individual not associated with the Property and Evidence Section or function to ensure that records are correct and all evidence and property is accounted for.

The date and results of all inspections and audits shall be documented and forwarded to the Chief of Police.

### **804.11 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon (18 USC § 922 (d); CRS § 13-14-105.5; CRS § 18-1-1001; CRS § 18-6-801; CRS § 24-33.5-424).

#### **804.11.1 RELEASE OF FIREARMS IN RISK PROTECTION ORDER MATTERS**

Upon notice from the Records Manager that an extreme risk protection order has been terminated or not renewed, notice should be provided to the respondent of the process for the return of firearms (CRS § 13-14.5-109).

Upon request by the person named in a risk protection order, firearms or permit surrendered pursuant to the order shall be returned to the person within three days after confirming eligibility to own or possess the firearm under federal and state law through a criminal history record check (CRS § 13-14.5-109). Additionally, prior to the release of firearms or a permit the Department should:

- (a) Confirm that the risk protection order is no longer in effect.
- (b) Provide notice to any family or household member of the person that the firearms or ammunition are going to be returned.

If a person other than the person named in the risk protection order claims ownership of any seized firearms, the Department shall follow the procedures outlined in CRS § 13-14.5-108.

If a person who has surrendered firearms pursuant to a risk protection order elects to transfer ownership of the firearms to another person, the Department shall follow the procedures outlined in CRS § 13-14.5-108 prior to releasing any firearm.

If a firearm remains unclaimed for at least one year from the date that an extreme risk protection order expired, the firearm should be disposed of according to department procedures (CRS § 13-14.5-109).

---

## Records Bureau Procedures

### 806.1 PURPOSE AND SCOPE

The Records Manager shall keep the Department Records Bureau procedures continuously updated to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### 806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Bureau personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 11-00001 would be the first new case beginning January 1, 2011.

### 806.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Bureau, accessible only to authorized Records Bureau personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Patrol Supervisor.

### 806.3 FUNDS RECEIPT PROCEDURES

Records section personnel are responsible for the security, processing, and transferring to the Financial Services Department all monies received for photocopies, clearance letters, restitution fees, bonds and fingerprints.

Monies are generally collected by the Records section, but other employees might accept funds; bonds and court fines and costs from persons arrested on warrants can be collected by officers.

A receipt must be issued for all funds collected.

The Records section maintains receipt book for bonding.

All monies are kept in a cash register, in the Records section, which is locked whenever records personnel are not present.

Once the drawer and register are locked, monies and receipts will be placed in an envelope and inserted into the drawer via a slot in the front of the drawer. Only records personnel have access to the locked cash drawer.

The last on-duty records person each day will balance the money and receipts and complete the daily cash report.

Instructions for completion and distribution of the cash report are addressed in the records operation procedure manual.

# Englewood Police Department

Englewood PD Policy Manual

## *Records Bureau Procedures*

---

The bond money and receipt book are delivered to the court and the other monies and receipts delivered to the Financial Services Department by a designated employee.

Any unresolved discrepancies in revenues will be brought to the attention of the records supervisor. Final accounting, disposition, and periodic auditing of all revenues is conducted by the Financial Services Department.

### **806.4 NATIONAL INCIDENT-BASED REPORTING SYSTEM**

The police Department participates in the National Incident-Based Reporting System (NIBRS) program, submitting monthly data to the Colorado Bureau of Investigation electronically from information contained in the computer database files. Offense reports, supplements to offense reports, and custody reports are scored with NIBRS codes as defined in the Uniform Crime Reporting Handbook and NIBRS Edition maintained in the Records section. Specific instructions for NIBRS scoring and data entry are contained in the NIBRS handbook and records manual.

Prior to transferring monthly data, tests will be conducted to check accuracy of the data. All necessary corrections will be made. This testing will be conducted by the Records Supervisor, or designee.

### **806.5 PRIVACY POLICY**

The Records Manager shall apply, and assist in the development and maintenance of, the organization's policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to CRS § 24-72-502. Minimally, the policy shall include:

- (a) A declaration supporting the protection of individual privacy.
- (b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.
- (c) The applicability of the Colorado Criminal Justice Records Act.
- (d) A method for feedback from the public on compliance with the privacy policy.
- (e) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

The privacy policy shall be published on the organization's website.

### **806.6 REPORTING**

The Records Manager shall ensure that data required to be collected by CRS § 24-33.5-412, including offense and arrest information separated by summons, custody and on-view, is submitted to the Colorado Division of Criminal Justice for each calendar year by March 31 of the following year (CRS § 24-33.5-518).

### **806.7 RECORDS BUREAU RESPONSIBILITIES**

The responsibilities of the Records Bureau include but are not limited to:

- (a) Maintaining a records management system for case reports.

# Englewood Police Department

Englewood PD Policy Manual

## Records Bureau Procedures

---

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the Division of Criminal Justice for:
  1. Qualifying incidents, including those involving the use of force by an officer that results in death or serious bodily injury or involves the use of a weapon (CRS § 24-31-903).
  2. Criminal offenses, including information regarding arrests and disposition of charges (CRS § 24-33.5-412; CRS § 24-33.5-518).
  3. All instances of an officer's resignation while under investigation (CRS § 24-31-903).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for the entry of extreme risk protection orders into appropriate databases, notice to courts, and removal of orders from databases, as applicable (CRS § 13-14.5-110).
- (h) Establishing a process for the filing of the following with the court after service of a risk protection order, as applicable (CRS § 13-14.5-108):
  1. The original receipt of surrendered items within 72 hours of service of the order. A copy of the receipt shall also be properly maintained by this department.
  2. In cases where no firearms were taken into custody, a statement notifying the court of the same.
    - (a) A copy of the receipt shall also be properly maintained by the Department.
- (i) Providing notice to the Property and Evidence Section upon the termination or nonrenewal of an extreme risk protection order (CRS § 13-14.5-107).
- (j) Establishing a process for entering reports of lost or stolen firearms into the Colorado Bureau of Investigations Crime Information Center Database within 5 days of receiving the report (CRS § 18-12-113).

---

## Records Maintenance and Release

### 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance, access and release of department records. Protected information is separately covered in the Protected Information Policy.

### 810.2 POLICY

The Englewood Police Department is committed to providing public access to records in a manner that is consistent with the Colorado Criminal Justice Records Act (CCJRA) (CRS § 24-72-301 et seq.).

### 810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (CRS § 24-72-301 et seq.):

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department records.
- (b) Maintaining and updating the department records retention schedule including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law (CRS § 24-72-306).

### 810.4 PROCESSING REQUESTS FOR RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

#### 810.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

# Englewood Police Department

## Englewood PD Policy Manual

### *Records Maintenance and Release*

---

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) The payment of any authorized fees required for the copying or mailing of the records requested as authorized by CRS § 24-72-306.
- (d) Records related to arrests (i.e., official action) shall, and all other records may, be made available for inspection at reasonable times except as otherwise provided by law (CRS § 24-72-303; CRS § 24-72-304).
  1. The Custodian of Records shall deny access to a requester seeking access to records unless the requester signs a statement which affirms that the records shall not be used for the direct solicitation of business for pecuniary gain (CRS § 24-72-305.5).
- (e) If the records requested are related to an arrest and are in active use, in storage, or otherwise not readily available, the Custodian of Records shall notify the requester of the status. This notice shall be in writing if requested by the requester. If requested, the Custodian of Records shall set a date and hour, within three working days, at which the records will be available to the requester (CRS § 24-72-303):
  1. If the Department does not have the records related to an arrest, the Custodian of Records shall include in the notice, in detail to the best of his/her knowledge and belief, the agency which has custody or control of the requested record.
- (f) For all other records requested (i.e., not related to an arrest) that are not in the custody or control of the Department, the Custodian of Records shall notify the requester of the status. The notice shall be in writing if requested by the requester. The notice shall include the reason for the absence of the records from the Department's custody or control, their location, and what person has custody or control of the records (CRS § 24-72-304).
  1. If the Custodian of Records has knowledge that the records requested are in the custody and control of the central repository for criminal justice records, the request shall be forwarded to the central repository.
- (g) If the Custodian of Records denies access to a record and the applicant has requested a written statement of the grounds for the denial, the Custodian of Records shall prepare the written statement and provide it to the applicant within 72 hours, citing to the law or regulation under which access is denied or the general nature of the interest to be protected by the denial (CRS § 24-72-305).
- (h) Records related to completed internal investigations (including any appeals) into the alleged misconduct of an in-uniform or on-duty officer, when involving a member of the public, shall be made available for inspection as required by CRS § 24-72-303.

#### **810.5 RELEASE RESTRICTIONS**

Examples of release restrictions include but are not limited to:

# Englewood Police Department

Englewood PD Policy Manual

## *Records Maintenance and Release*

---

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic accident reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Victim information that may be protected by statutes (CRS § 24-4.1-303; CRS § 24-72-304).
- (c) Juvenile-related information that may be protected by statutes (CRS § 19-1-304).
- (d) Certain types of reports involving, but not limited to, child abuse or neglect (CRS § 19-1-307) and at-risk adult abuse (CRS § 26-3.1-102).
- (e) Records that contain the notation "CHILD VICTIM" or "SEXUAL ASSAULT" shall have identifying information deleted as required by CRS § 24-72-304.
- (f) Records that contain information concerning an application for victim's compensation (CRS § 24-4.1-107.5).
- (g) Information received, made, or kept by the Safe2Tell® program (CRS § 24-31-607).
- (h) Records of the investigations conducted by the Department, records of the intelligence information or security procedures of the Department, or any investigatory files compiled for any other law enforcement purpose (CRS § 24-72-305).
- (i) The result of chemical biological substance testing (CRS § 24-72-305).
- (j) The address of an individual who has requested and been approved for address confidentiality (CRS § 24-30-2108).
- (k) Personnel records, medical records, and similar records which would involve personal privacy.
- (l) Information regarding the immigration status of any victim who is requesting certification for a U visa or T visa, or any documents submitted for U visa or T visa certification and any written responses to a certification request except where allowed by law (CRS § 24-4.1-404).
- (m) Any other record subject to inspection where such inspection would be or is (CRS § 24-72-305):
  - 1. Contrary to any state statute.
  - 2. Prohibited by rules promulgated by the state supreme court or by order of any court.

### **810.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.



# Englewood Police Department

## Englewood PD Policy Manual

### *Records Maintenance and Release*

---

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, District Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **810.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

#### **810.8 EXPUNGEMENT OR SEALED RECORDS**

Expungement orders or orders to seal criminal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is expunged or sealed, members shall respond to any inquiry as though the record did not exist (CRS § 24-72-702; CRS § 24-72-703).

##### **810.8.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY**

If the Criminal Investigations Bureau supervisor determines that a person was arrested based on mistaken identity and no charges were filed following the arrest, the Custodian of Records shall file a petition for an order to expunge any arrest or criminal records resulting from the mistaken identity. The petition must be filed no later than 90 days after the investigation determines the mistaken identity, in the judicial district where the arrest occurred (CRS § 24-72-702).

##### **810.8.2 EXPUNGEMENT OF CERTAIN JUVENILE RECORDS WITHOUT COURT ORDER**

The Custodian of Records shall acknowledge receipt of a notice issued by the district attorney or other diversion provider that a juvenile has successfully completed a pre-filing diversion. Upon receipt of the notice, the Custodian of Records shall treat the records as expunged within 35 days and without need of a court order (CRS § 19-1-306).

#### **810.9 SECURITY BREACHES**

Members who become aware that any Englewood Police Department system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an

# Englewood Police Department

## Englewood PD Policy Manual

### *Records Maintenance and Release*

---

unauthorized person. If the security breach is reasonably believed to affect 500 or more Colorado residents, the Custodian of Records shall also notify the Colorado attorney general. Notice may not be required if the Custodian of Records, after a reasonable investigation, makes a determination that misuse of the individual's information has not occurred and is not reasonably likely to occur. Additional notices to consumer reporting agencies may be required if the security breach requires notification to more than 1,000 Colorado residents (CRS § 24-73-103).

Notice shall be given in the most expedient time possible and without unreasonable delay, and not later than 30 days from the discovery of the breach, consistent with the needs of the department and any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation. In such cases, notice shall be made not later than 30 days after a determination is made that notification will no longer impede the investigation (CRS § 24-73-103).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following when not encrypted, redacted, or secured by any other method that renders the information unreadable or unusable (CRS § 24-73-103):

- (a) Social Security number
- (b) Driver's license number or identification card number
- (c) Student, military, passport, or health insurance identification number
- (d) Medical information
- (e) Biometric data
- (f) Username or email address, in combination with a password or security questions and answers, that would permit access to an online account
- (g) Full account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to the individual's account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Custodian of Records should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

#### **810.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO ALLEGED MISCONDUCT**

Unedited video and audio recordings related to an incident where a peace officer, civilian, or nonprofit organization has made a complaint of officer misconduct shall be released upon a proper public record request within 21 days of the request (CRS § 24-31-902).

# Englewood Police Department

## Englewood PD Policy Manual

### *Records Maintenance and Release*

---

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received.

#### 810.10.1 DELAY OF RELEASE

Disclosure of recordings related to alleged misconduct during active criminal or administrative investigations may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident if disclosure would substantially interfere with or jeopardize the investigation. The Chief of Police or the authorized designee should work as appropriate with the prosecuting attorney so that the prosecuting attorney may produce the required notice (CRS § 24-31-902).

#### 810.10.2 RELEASE OF AUDIO OR VIDEO RECORDINGS DEPICTING A DEATH

Upon request, the Custodian of Records shall release unedited video and audio recordings depicting a death to the victim's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative, and inform the requesting party of the requesting party's right to receive and review the recording at least 72 hours prior to public release (CRS § 24-31-902).

#### 810.10.3 RESTRICTIONS RELATED TO PRIVACY

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of a recording may raise substantial privacy concerns for a person depicted in the recording, the Department should use technology to blur portions of a recording made available for release. In such cases, unblurred footage shall not be released without the written authorization of the victim or the victim's next of kin (CRS § 24-31-902).

If blurring is insufficient to protect the substantial privacy interest of a person, the Custodian of Records should, within 20 days of receipt of the complaint of alleged misconduct (CRS § 24-31-902):

- (a) Provide a copy of the recording upon request to the victim or the victim's next of kin.
- (b) Inform the person whose privacy interest is implicated of the right to waive the interest in writing and allow release of the unedited recording.

## Protected Information

### 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Englewood Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Englewood Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public

### 812.2 POLICY

Members of the Englewood Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Division of Motor Vehicles (DMV) records and the Colorado Crime Information Center (CCIC).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.

# Englewood Police Department

Englewood PD Policy Manual

## *Protected Information*

---

- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

### **812.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Englewood Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

### **812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

### **812.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.

# Englewood Police Department

Englewood PD Policy Manual

## *Protected Information*

---

- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

### **812.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

It is the members responsibility to ensure that information is protected at all times that a portable electronic device is in their possession.

### **812.7 CHALLENGE TO CRIMINAL OFFENDER RECORD**

Any person has the right to challenge the accuracy and completeness of criminal justice records pertaining to him/her and to request that said records be corrected (CRS § 24-72-307). Any such requests shall be forwarded to the Records Manager.

Upon receipt of a request to correct the record, the Records Manager will evaluate the request as follows:

- (a) The Records Manager will review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.
- (b) In the event that the Records Manager requires additional time to evaluate the merit of the request for correction, the Records Manager shall notify the applicant in writing.
  1. The Records Manager shall then have 30 days from the date of receipt of the request for correction to evaluate the request and to make a determination of whether to grant or refuse the request, in whole or in part.
  2. The Records Manager will communicate that decision to the applicant in writing.
- (c) If the Records Manager refuses to make the requested correction and the person requests a written statement of the grounds for the refusal, the Records Manager shall promptly provide such a written statement.
- (d) If the Records Manager decides to make the correction, the Records Manager will ensure the change is made in the records of the Englewood Police Department and communicate the correction to the Colorado Bureau of Investigation.

# Englewood Police Department

Englewood PD Policy Manual

## *Protected Information*

---

### **812.8 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## Computers and Digital Evidence

### 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with the case number, evidence sheet number and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items into the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.
- (h) At minimum, officers should document the following in related reports:
  1. Where the computer was located and whether it was in operation



# Englewood Police Department

Englewood PD Policy Manual

## *Computers and Digital Evidence*

---

2. Who was using it at the time
  3. Who claimed ownership
  4. If it can be determined, how it was being used
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and necessary for examination of the associated media.

### **814.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Until properly secured, networked computers can be accessed remotely to alter critical hard drive data. Therefore, cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner as soon as practicable for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence. The forensic copy of the image of the hard drive shall be marked and maintained as primary evidence.

### **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, disks or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) A copy of reports involving the computer, including the evidence/property sheet
- (b) A copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation or other legal authority for examination
- (c) A list of the items to search for (e.g., photographs, financial records, e-mail, documents)
- (d) A forensic copy of the media will be made; subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

### **814.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.

# Englewood Police Department

Englewood PD Policy Manual

## *Computers and Digital Evidence*

---

- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

### **814.4 SEIZING PERSONAL COMMUNICATION DEVICES**

Personal communication devices (PCD), such as cellular phones, Personal Data Assistants (PDA) or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be wrapped in no less than six sheets of heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

### **814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence.

#### **814.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

#### **814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

# Englewood Police Department

## Englewood PD Policy Manual

### *Computers and Digital Evidence*

---

- (a) The recording media (e.g., smart card, compact flash card or any other media) shall be brought to the police department as soon as reasonably possible for submission into evidence.
- (b) Officers are authorized to download data stored on the device into the VeriPic storage system. Data entered into VeriPic will be identified by the DR number associated with the report.
- (c) Once officers have verified that the images properly transferred to VeriPic, officers will erase the memory card for reuse.

#### 814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to the VeriPic storage system. The following procedures are to be followed:

- (a) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory and downloaded to the VeriPic system.
- (b) Data entered into VeriPic will be identified by the DR number associated with the report.
- c.

Once officers have verified that the images properly transferred to VeriPic, officers will erase the internal

#### 814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only evidence technicians are authorized to copy original digital media that is related to case documentation and held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

## Animal Control

### 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Code Enforcement Officers, who have received training in animal control issues, and Englewood Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

#### 820.1.1 TRAINING

Code Enforcement Officers shall successfully complete the required basic and continuing education animal control courses as approved by the Department or required by local or state authorities.

As outlined in Colorado Revised Statutes (29-5-112), all existing and new certified police officers by January 1, 2015 shall receive training on the “Dog Protection Act.”

As prescribed by Colorado Revised Statute, each officer will read the Canine Encounter Handbook (which can be found online at <http://coloradodogprotection.com>) and shall receive training in the following areas:

- a. The identification and meaning of common canine behaviors, and how to differentiate between dogs who are exhibiting aggressive behavior that puts law enforcement officers or other persons in imminent danger from dogs that are exhibiting other behaviors (protective, friendly, excessive barking, etc.).
- b. Alternatives to lethal force against dogs.
- c. What defines a reasonable opportunity for a dog owner to control or remove the dog from the area.
- d. How to evaluate the totality of the circumstances and be able to safely and appropriately react to a situation involving a potential dog interaction.

A satisfactory completion of the course and certificate of training is mandatory.

### 820.2 CODE ENFORCEMENT OFFICER RESPONSIBILITIES RELATED TO ANIMALS

Code Enforcement Officers shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy. Specifically the Code Enforcement Officer is assigned the tasks necessary for the day-to-day responsibilities including, but not limited to, those identified under the Colorado Animal Protection Act (CRS § 35-42-101, et seq.).

Code Enforcement Officers shall be under the operational control of the Special Operations Division. The assigned working hours will be scheduled by the Special Operations Division Commander. During hours when an Code Enforcement Officer is on-duty, requests for animal control services shall be assigned by the Dispatch Center or the Patrol Supervisor.

# Englewood Police Department

Englewood PD Policy Manual

## *Animal Control*

---

Requests for assistance by a Code Enforcement Officer shall be acknowledged and responded to promptly.

### **820.3 CODE ENFORCEMENT OFFICER RESPONSIBILITIES RELATED TO ANIMALS**

During hours when no Code Enforcement Officer is on-duty, or if a Code Enforcement Officer is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Supervisors may request dispatch contact the on call Code Enforcement Officer using the call out SOP if their as

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of a Code Enforcement Officer. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of a Code Enforcement Officer. The following are examples of when an officer may consider acting before the arrival of a Code Enforcement Officer:

- (a) When there is a threat to public safety
- (b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury
- (c) When an animal is creating a traffic hazard
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal
- (e) When an animal is gravely injured

#### **820.3.1 ANIMAL CRUELTY COMPLAINTS**

An officer shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the Code Enforcement Officer for followup. Officers shall not hesitate to take any immediate actions deemed necessary to prevent the perpetration of any act of cruelty to animals in his/her presence and may use such force as is necessary to prevent the crime.

The assistance of a Code Enforcement Officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case.

#### **820.3.2 STRAY ANIMALS**

If an animal has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the animal shelter or to the holding pens, making sure the animal has food, water and bedding.

The animal pickup form must be completely filled out and placed in the Code Enforcement in-box. Release of impounded animals requires a fee be paid. Releases will be handled by an Code Enforcement Officer or animal shelter staff.

# Englewood Police Department

## Englewood PD Policy Manual

### *Animal Control*

---

An Code Enforcement Officer will transport any animals in the holding pens to the animal shelter as soon as he/she comes on-duty. Once an animal has been taken into custody, all releases should be handled by the animal shelter. In the event no Code Enforcement officers are on duty the on duty supervisor may request dispatch to contact a

#### **820.3.3 ANIMAL BITES TO HUMANS**

Officers shall obtain as much information as possible for forwarding to a Code Enforcement Officer for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by a Code Enforcement Officer. If it is determined that the animal should be impounded, Code Enforcement Officers should be requested to respond.

If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

If a biting dog has been killed in order to prevent further injury or death, the local board of health shall be notified of the facts related to the bite and the killing, and the body of the dog shall be held for release to the board of health (6 CCR 1009-1:1).

#### **820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Officers shall obtain and forward to a Code Enforcement as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of the problem. Officers will also document any actions taken, citation issued and related report numbers.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, a Code Enforcement Officer may be called. If a Code Enforcement Officer is unavailable, the patrol supervisor may request the assistance of an animal control officer from an outside agency.

All requests to call in an Animal Control Officer must be approved by a field supervisor or the Patrol Supervisor.

#### **820.4 DECEASED ANIMALS**

Deceased animals on public property will be removed and properly disposed of by a Code Enforcement Officer. Officers will remove deceased animals when a Code Enforcement Officer is not on-duty. The deceased animals may be placed in the dead pan of a Code Officers truck.

- (a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing them in a Code Enforcement truck. Large animals should be double-bagged and left next to an Code Enforcement truck, out of public view.
- (b) Neither a Code Enforcement Officer nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

# Englewood Police Department

## Englewood PD Policy Manual

### *Animal Control*

---

#### **820.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below:

- (a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- (b) If it is after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.
- (c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
- (d) When it is necessary to euthanize a seriously injured or dangerous animal, the Firearms and Qualification Policy shall be followed.
  - 1. A Code Enforcement Officer or an officer may euthanize an animal when, in his/her judgment and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by the written certificate of two persons called to view the animal (CRS § 35-42-110).
  - 2. Injured wildlife may be euthanized whenever the Code Enforcement Officer or officer determines that no other reasonable action would be practical, humane or effective for the rehabilitation of the wildlife (2 CCR 406-14:1405).
- (e) Injured or deceased wildlife should be referred to the appropriate agency as listed by the Colorado Division of Wildlife.
- (f) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.
- (g) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If an Animal Control Officer is off-duty, the information will be forwarded for follow-up.

#### **820.6 ENFORCEMENT**

A Code Enforcement Officer of this department may issue citations or summonses and complaints enforcing any local or state law concerning the control of pet animals (CRS § 30-15-105).

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

# Englewood Police Department

Englewood PD Policy Manual

## *Animal Control*

---

### **820.7 POST-ARREST PROCEDURES**

Employees should take reasonable efforts to ensure that animals or pets in an arrestee's care will be provided with proper care. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals. Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no person can be found or the owner does not consent, the appropriate animal control authority should be notified.



## Chapter 9 - Custody

## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Englewood Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

**Temporary custody** - The time period an adult is in custody at the Englewood Police Department prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The Englewood Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

#### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Englewood Police Department, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

# Englewood Police Department

## Englewood PD Policy Manual

### *Temporary Custody of Adults*

---

- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).
  - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (6 CCR 1010-13:18.0). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.

# Englewood Police Department

## Englewood PD Policy Manual

### *Temporary Custody of Adults*

---

- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Patrol Supervisor.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

#### **900.4 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others (6 CCR 1010-13:14.0). The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the jail or other appropriate facility.

The officer should promptly notify the Patrol Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to the jail or other facility.

##### **900.4.1 SCREENING AND PLACEMENT**

The officer responsible for an individual in custody shall:

- (a) Advise the Patrol Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
  3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  4. Ensure males and females are separated by sight and sound when in cells.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
  - (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
  - (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Chief will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

### 900.5 SAFETY, HEALTH AND OTHER PROVISIONS

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

### 900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Englewood Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Englewood Police Department.

The Patrol Supervisor should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Patrol Supervisor should make periodic checks to ensure all log entries and safety and security checks are made on time.

### 900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins (6 CCR 1010-13:10.0).
- (d) There is reasonable access to a drinking fountain or water (6 CCR 1010-13:10.0).
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
  - 1. Personal clothing taken shall be cleaned, disinfected or stored so as to control communicable diseases (6 CCR 1010-13:12.0).
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (6 CCR 1010-13:12.0).

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

1. The supervisor should ensure that there is an adequate supply of clean blankets.
  - (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
  - (j) Adequate furnishings are available, including suitable chairs or benches (6 CCR 1010-13:8.0).

### 900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. A member shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Englewood Police Department. They should be released or transferred to another facility as appropriate.

### 900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

### 900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival (CRS § 16-3-402).

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

### 900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

### 900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

### 900.5.8 ATTORNEYS

Attorney visits will not be accommodated for those in custody at the Englewood temporary holding facility. Those in custody who wish to consult with attorneys will need to do so at the County Jail.

### 900.5.9 FOOD SERVICE

Food provided will be purchased from a retail or commercial food provider (6 CCR 1010-13:13.0).

### 900.5.10 COORDINATING IMMIGRATION INTERVIEWS

Members may coordinate telephone or video interviews between federal immigration authorities and an individual held in custody only after the individual has been advised in writing, and in the individual's language of choice, of the following (CRS § 24-76.6-102):

- (a) The interview is being sought by federal immigration authorities.
- (b) The individual has the right to decline the interview and remain silent.
- (c) The individual has the right to speak to an attorney before submitting to the interview.
- (d) Anything the individual says may be used against him/her in subsequent proceedings, including immigration court.



# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

Members will provide a copy of the written advisement to the individual when he/she is released from custody.

### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Englewood Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

#### **900.6.1 PREGNANT ADULTS**

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Patrol Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Supervisor shall attempt to prove or disprove the claim. Disputed property will be booked into evidence and the Professional Standards Bureau notified.

### **900.8 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary (6 CCR 1010-13:18.0). An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

# Englewood Police Department

## Englewood PD Policy Manual

### *Temporary Custody of Adults*

---

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve questioning the individual as to his/her well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be logged.

#### **900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Patrol Division Chief will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Englewood Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Patrol Supervisor, Chief of Police and Special Operations and Codes Division Chief
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the District Attorney
- (f) Notification of the Coroner
- (g) Evidence preservation

#### **900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Englewood Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

### **900.11 ASSIGNED ADMINISTRATOR**

The Patrol Division Chief will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance (6 CCR 1010-13:18.0)
- (d) Emergency medical treatment including (6 CCR 1010-13:14.0)
  - 1. Procedures for emergency evacuation of the inmate from the facility
  - 2. A designated emergency on-call physician and dental services provider
  - 3. A designated hospital emergency room or other appropriate health care facilities
- (e) Escapes
- (f) Evacuation plans (6 CCR 1010-13:14.0)
- (g) Fire- and life-safety (6 CCR 1010-13:16.0)
- (h) Disaster plans
- (i) Building and safety code compliance (6 CCR 1010-13:3.0)
- (j) Insect and rodent control (6 CCR 1010-13:7.0)
- (k) Storage, collection, transportation and disposal of garbage, refuse and recyclable materials (6 CCR 1010-13:6.0)

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Custody of Adults*

---

- (l) Poisonous, toxic or hazardous substance use and storage (6 CCR 1010-13:15.0)

### **900.12 TRAINING**

Department members should be trained and familiar with this policy and any supplemental procedures.

## Custodial Searches

### 902.1 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 902.2 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

### 902.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Englewood Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### 902.3.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Englewood Police Department identification number and information regarding how and when the property may be released.

# Englewood Police Department

Englewood PD Policy Manual

## *Custodial Searches*

---

### 902.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

### 902.4 STRIP SEARCHES

No individual in temporary custody at any Englewood Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### 902.4.1 STRIP SEARCH PROCEDURES

Strip searches at Englewood Police Department facilities shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

- (a) Written authorization from the Patrol Supervisor shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

# Englewood Police Department

## Englewood PD Policy Manual

### *Custodial Searches*

---

- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Patrol Supervisor.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.
  - 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written authorization should be retained and made available upon request to the detainee or the detainee's authorized representative.

#### 902.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Patrol Supervisor authorization and only in exceptional circumstances, such as when:

# Englewood Police Department

Englewood PD Policy Manual

## *Custodial Searches*

---

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Patrol Supervisor authorization does not need to be in writing.

### **902.5 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Patrol Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician or nurse may conduct a physical body cavity search (CRS § 16-3-405(5)).
- (c) Except for the physician or nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Patrol Supervisor's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex and roles of any department members present.



# Englewood Police Department

Englewood PD Policy Manual

## *Custodial Searches*

---

8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and should be made available to the individual who was searched or other authorized representative upon request.

### **902.6 TRAINING**

The Professional Standards Bureau Sergeant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

### **902.7 PURPOSE AND SCOPE**

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Englewood Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### **902.7.1 DEFINITIONS**

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## Prison Rape Elimination

### 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Englewood Police Department Temporary Holding Facilities (28 CFR 115.111).

#### 904.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, arrestee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

# Englewood Police Department

Englewood PD Policy Manual

## *Prison Rape Elimination*

---

- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, arrestee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, arrestee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, arrestee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

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

### **904.2 POLICY**

The Englewood Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Englewood Police Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### **904.3 REPORTING SEXUAL ABUSE AND HARASSMENT**

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

# Englewood Police Department

Englewood PD Policy Manual

## *Prison Rape Elimination*

---

### 904.3.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Patrol Supervisor any knowledge, suspicion or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### 904.3.2 PATROL SUPERVISOR RESPONSIBILITIES

The Patrol Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Patrol Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Patrol Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Patrol Supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

## **904.4 INVESTIGATIONS**

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

### 904.4.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.

# Englewood Police Department

Englewood PD Policy Manual

## *Prison Rape Elimination*

---

- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 904.4.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Englewood Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 904.4.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment

# Englewood Police Department

Englewood PD Policy Manual

## *Prison Rape Elimination*

---

or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### **904.4.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS**

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### **904.4.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

### **904.5 RETALIATION PROHIBITED**

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Patrol Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

# Englewood Police Department

Englewood PD Policy Manual

## *Prison Rape Elimination*

---

The Patrol Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

### **904.6 RECORDS**

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

## Chapter 10 - Personnel



## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Englewood Police Department and that are promulgated and maintained by the Department of Human Resources.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Englewood Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

### 1000.3 RECRUITMENT

The Professional Standards Unit under the direction of the Special Operations Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Use of marketing strategies to target diverse applicant pools.
- (b) Expanded use of technology and maintenance of a strong Internet presence.
- (c) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (d) Employee referral and recruitment incentive programs.
- (e) Consideration of shared or collaborative regional testing processes.

The Professional Standards Unit shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

# Englewood Police Department

Englewood PD Policy Manual

## *Recruitment and Selection*

---

### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

The Department shall not seek the wage history of applicants, rely on the wage rate history of a prospective employee, or otherwise engage in wage discrimination (CRS § 8-5-102).

#### **1000.4.1 VETERAN'S PREFERENCE**

Veterans and spouses of veterans of the United States Armed Forces shall receive preference as applicable (CRS § 29-5.5-104; Colo. Const. art. XII, § 15(1)).

#### **1000.4.2 CANDIDATES PREVIOUSLY EMPLOYED BY GOVERNMENTAL AGENCY**

The Support Services Division Chief shall ensure that a waiver is included in the application for applicants employed or previously employed by a law enforcement or governmental agency that authorizes disclosure of all files, including the candidates' internal affairs files.

The Support Services Division Chief shall submit the waiver to the agency at least 21 days prior to making a hiring decision regarding the candidate (CRS § 24-33.5-115).

The Support Services Division Chief shall determine if a new hire, appointee, or transfer has a record contained in the Colorado Peace Officer Standards and Training (POST) Board misconduct database created pursuant to CRS § 24-31-303, and notify the POST Board if the Department employs the individual in a POST-certified position (CRS § 24-31-305).

# Englewood Police Department

## Englewood PD Policy Manual

### *Recruitment and Selection*

---

#### 1000.4.3 EXAMINER AND INVESTIGATOR QUALIFICATIONS

If a polygraph or computer voice stress analysis examination is administered, the examiner should be appropriately licensed or certified and a copy of the license or certification should be maintained by the accreditation coordinator.

Medical and psychological examinations should be administered by appropriately licensed professionals. Examination results should be securely maintained in accordance with Colorado law and the established records retention schedule (see the Personnel Records and the Records Maintenance and Release policies).

Only members who have received department-approved training should conduct background investigations.

#### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Englewood Police Department.

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Professional Standards Unit should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Professional Standards Unit should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Professional Standards Unit should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions.

# Englewood Police Department

Englewood PD Policy Manual

## *Recruitment and Selection*

---

The report and all supporting documentation shall be included in the candidate's background investigation file.

### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (CRS § 24-31-305; 4 CCR 901-1:10). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the POST Board (CRS § 24-31-305; 4 CCR 901-1:10):

- (a) Completion of basic training and passage of a POST-administered examination, as applicable (CRS § 24-31-305).

# Englewood Police Department

## Englewood PD Policy Manual

### *Recruitment and Selection*

---

- (b) Be a citizen of the United States, a legal permanent resident or otherwise lawfully present in the United States pursuant to federal law (CRS § 24-76.5-103).
- (c) Have submitted to both a physical and a psychological evaluation (CRS § 24-31-303).
- (d) Have a high school diploma or equivalent (CRS § 24-31-305).
- (e) Possess a current first aid and cardiopulmonary resuscitation certificate (CRS § 24-31-305).
- (f) Have submitted to a fingerprint-based criminal history record check (CRS § 24-31-303).
- (g) Unless granted an exemption by the POST director, no disqualifying incidents, as defined in 4 CCR 901-1:1 and CRS § 24-31-305.

## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 1002.2 POLICY

The Englewood Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

### 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

### **1002.4 EVALUATION FREQUENCY**

**Quarterly Meetings with Employees** - At the beginning of each quarter of the year supervisors will meet individually with their assigned employees and will share the goals, values, and expectations of the work group with each employee. The employee and the supervisor will establish mutually agreed upon and attainable individual goals and performance expectations that are directed toward the accomplishment of the goals of the work group. These individual goals and expectations will be documented in the form of a performance agreement in the employee's performance journal for future reference utilizing an acceptable form or electronic file.

**Supervisor Documentation** - Supervisors will be required to document employee progress, significant accomplishments, areas of needed improvement, or other performance issues at least twice each month in the employee's performance journal, again utilizing the appropriate form or electronic file.

**Employee/Supervisor Monthly Meetings** - Supervisors will meet with each of their assigned employees at least once per month to review the employee's progress toward goal achievement, as well as any and all documentation that has been added to the employee's performance journal and to provide any necessary guidance or direction toward the accomplishment of the mutually agreed upon performance objectives.

**Quarterly Supervisor Meetings** - Supervisors will meet with each of their assigned employees at the end of each quarter for a full review of the established quarterly goals and performance objectives. The results of this meeting will be documented on the appropriate form and included in the employee's performance journal. If, at the end of each quarter, an employee has a change of supervisors, the previous supervisor will meet with the new supervisor and review the employee's performance journal to review the employee's overall degree of achievement toward the mutually agreed upon performance objectives for the quarter. The new supervisor will utilize this information as a foundation for his or her meeting with the employee.

**Annual Evaluations** - Approximately 30 days prior to an employee's scheduled evaluation date, the supervisor will evaluate the employee by using information from a number of sources: the employee's performance journal, performance supplemental reports by other supervisors, personal knowledge, and other data available in department files dealing with education, training, commendations, and personnel investigations. The completed report will then be forwarded to the rater's supervisor.

### **1002.5 FULL-TIME PROBATIONARY PERSONNEL**

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary certified personnel are evaluated daily, weekly and monthly during the probationary period.

# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

### **1002.6 FULL-TIME REGULAR STATUS PERSONNEL EVALUATION RATINGS**

Employees will be rated for each category on the annual evaluation form as either "proficient" or "needs improvement." A rating of "proficient" means that the employee is performing at a level of overall acceptability based on the employee's particular level of training and experience. The employee should consistently meet or exceed the work standards established for the position. A rating of "needs improvement" means the employee's performance for the identified category is only moderately acceptable or falls below the level of expected performance of an employee with a comparable level of experience and training. All ratings of "needs improvement" must be accompanied by a narrative description of the employee's performance in that category with a justification for the rating and specific recommendations for improvement.

#### **1002.6.1 PERFORMANCE CATEGORIES**

There are fourteen performance categories in which employees are evaluated by supervisors when completing annual evaluations.

#### **1002.6.2 JOB KNOWLEDGE**

##### **Job Knowledge**

Legal Issues - This factor pertains to the employee's working knowledge of criminal law, major court decisions, state and municipal traffic laws, municipal penal and regulatory ordinances, and a general knowledge of the concept of civil law.

The employee should know the essential elements of crimes with which he or she deals. The employee should know and understand the concepts of criminal law and the rules of criminal procedure. The employee should be able to apply that knowledge and understanding to day-to-day work efforts. The employee should be aware of how and where to look up the law; and use such resources without having to rely on supervisors and other officers to supply the answers.

Operations Manual - This factor pertains to the employee's knowledge of department policies and procedures, and their interpretation and application.

The employee should understand the reasoning behind policies and procedures. The employee should be able to differentiate between policies, procedures, and rules.

The employee should be able to successfully function within the parameters of policy and procedure.

#### **1002.6.3 CURRENT CRIMINAL EVENTS**

##### **Current Criminal Events**

This factor pertains to the employee's knowledge of specific crime patterns, suspects, and other neighborhood problems or issues.

The employee should be able to use this information to develop enforcement or investigative techniques and enhance overall work performance.



# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

The employee should demonstrate knowledge of issues related to community concerns and directions provided to the police department from City Council, the City Manager's office, or other city departments.

### 1002.6.4 COMMUNICATIONS

#### **Communications**

Reports/ Written Communication - This factor pertains to the employee's demonstrated ability and practice in writing reports. The employee should be able to accurately describe and communicate facts. The employee's reports should be well composed, concise, complete, neat, and easy to read. Reports should contain correct grammar, punctuation, syntax, and spelling.

Verbal Skills - This factor pertains to the employee's ability to speak in various settings including public speaking, telephone conversations, employee and citizen interactions, and interpersonal communications.

This factor includes the employee's ability to listen and to understand what others are attempting to communicate.

The employee should be able to effectively communicate thoughts to others, demonstrating sufficient skills to cause peers and citizens to react favorably.

Use of Available Technology - This factor pertains to the employee's ability to type reports or prepare written communication utilizing computer hardware and software. The employee should be able to produce computerized information and data utilizing similar technology without relying on dispatch or other sources. The employee should also be familiar with other technological equipment such as automated fingerprinting, booking equipment, cellular telephones, and any other equipment provided to improve efficiency and effectiveness.

### 1002.6.5 INVESTIGATIVE SKILLS

#### **Investigative Skills**

Interviewing - This factor pertains to the employee's ability to effectively interview or interrogate suspects, victims, and witnesses. The employee should be able to ask good questions at the proper time and be able to interview or interrogate without being offensive. The employee should be able to properly interpret what people say and effectively elicit appropriate information.

Evidence/Scene Processing - This factor pertains to the employee's ability to determine what to look for when investigating a case, and the employee's ability to process a scene for physical evidence.

The employee should have sufficient knowledge and experience to make tentative appraisals of all types of physical evidence. He or she should be able to process a scene systematically.

The employee should have the ability to diagram accident and crime scenes in a neat, clear, and accurate manner that effectively depicts an accurate description of the scene.

# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

Case Management - This factor pertains to the employee's knowledge and ability to properly prepare a case for filing. The employee should be able to properly establish necessary probable cause for criminal prosecution and what is required to investigate legal defenses. The employee should demonstrate the ability to resolve cases or complete all investigative leads within an appropriate period of time. The employee should also demonstrate sensitivity and compassion for victims and witnesses by providing appropriate follow-up communications and keeping them informed of the case status.

### 1002.6.6 WORK HABITS

#### **Work Habits**

Work Hours/Attendance - This factor pertains to an employee's punctuality and adherence to scheduled work hours. The employee should demonstrate that he/she is punctual in reporting to work, and observant of departmental rules concerning quitting time and length of lunch and break periods.

This factor pertains to the employee's regularity in reporting on assigned workdays, and to all other assigned functions such as court, training sessions, and meetings.

Personal Appearance - This factor pertains to the employee's personal grooming habits as they relate to the employee's professional image and job performance.

The employee should maintain a neat and clean appearance. Is his or her uniform or other duty clothing, pressed and clean? The employee should wear the department uniform in accordance with department policy and procedure.

### 1002.6.7 COMPLIANCE WITH RULES

#### **Compliance with Rules**

This factor pertains to the employee's observance of department and city rules and regulations.

### 1002.6.8 INITIATIVE

#### **Initiative**

This factor pertains to the employee's ability to initiate productive and meaningful work efforts.

The employee should routinely take opportunities to exercise initiative rather than requiring that he or she be prodded into action.

The employee should be inventive.

Does he or she sit around, or drive around, waiting for something to happen, or does he or she allow his or her own observations and thinking ability to initiate significant work efforts?

### 1002.6.9 SAFETY PRACTICES

#### **Safety Practices**

This factor pertains to the employee's use of required protective equipment and the observance of safety rules and safe work practices for him- or herself and other employees.

# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

Does the employee have a history of preventable accidents resulting in injury or property damage?

### 1002.6.10 BEHAVIORAL TRAITS

#### **Behavioral Traits**

**Accepts Responsibility** - This factor pertains to the degree of willingness an employee exhibits when given responsibility, and the manner in which the responsibility is carried out.

The employee should demonstrate a willingness to accept additional duties and responsibilities. The employee should seek greater responsibility in an effort to assist supervisors and fellow employees.

The employee should be willing to accept responsibility for his or her own actions or conduct without deflecting that responsibility or blaming others.

The employee should not interfere and take responsibility that should be someone else's.

**Accepts Direction** - This factor pertains to the employee's ability and willingness to accept direction, supervision, training, instruction, and constructive criticism.

The employee should not require much direct supervision. The employee should not chronically challenge supervision, instructions, or orders.

**Demeanor** - This factor pertains to an employee's interaction with others toward his or her work.

The employee should possess a positive attitude about his or her work assignment that does not have a negative affect on his or her own work performance or the work performance of others.

**Temperament** - This factor pertains to the emotional stability of the employee.

The employee should not be excessively sensitive or irritable. The employee should not demonstrate impulsive changes of mood or a short fuse.

**Judgment** - This factor pertains to the employee's ability to exercise judgments within the scope of responsibility assigned to his position.

The employee's judgment should be consistent and reliable and should have a positive effect on the quantity and quality of work produced by the employee and others.

### 1002.6.11 COMMUNITY POLICING

#### **Community Policing**

**Public Contacts** - This factor pertains to the quality of the public contacts correspondence, and day-to-day performance in the public.

The employee's exposure to the public should reflect positively on the department.

The employee should be courteous and discreet in his or her public contacts and behavior.

**Community Interaction** - This factor pertains to the employee's willingness to engage and/or participate in community events, community-based committees or other community-based functions.

# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

The employee should not require mandates to demonstrate the organization's commitment to establishing partnerships with community members.

**Problem Identification** - This factor pertains to an employee's ability to recognize those situations existing within the community that create disruption with or interfere with the quality of life of the residents, businesses, or city government operations.

Employees should demonstrate an ability to evaluate a particular situation with a diverse perception and recognize the effects of that situation on others.

### 1002.6.12 PROBLEM SOLVING

#### **Problem Solving**

This factor pertains to an employee's ability to evaluate a particular situation and to utilize their training, skills, and abilities to identify potential solutions to the problem.

### 1002.6.13 USE OF RESOURCES

#### **Use of Resources**

Employees should be able to readily incorporate various resources available to generate a partnership in their solution of problems. Employees should be able to effectively work in conjunction with other people, groups, city departments, or organizations.

The employee should demonstrate an appropriate use of time management and the amount of materials required to complete a task or assignment, or resolve a problem or situation.

### 1002.6.14 BASE SKILLS AND ABILITIES

#### **Base Skills and Abilities**

##### **Driving:**

This factor pertains to the employee's total driving habits and driving record.

The employee should be completely familiar with rules of the road and the advantages and limitations of police vehicles.

He or she should clearly understand department policies and procedures relating to the operation of police vehicles.

The employee should regularly practice good defensive driving techniques and understand and utilize the fundamentals of pursuit driving. A rating of proficient would require that the employee has not experienced any preventable motor vehicle accidents.

##### **Firearms:**

This factor pertains to an officer's use and knowledge of firearms.

The officer should have successfully completed all required weapons qualification with no mandated or required remedial training.

# Englewood Police Department

Englewood PD Policy Manual

## *Evaluation of Employees*

---

The officer should clearly understand department policies and procedures relating to the care and use of firearms. The officer's weapon should always be clean and in good working order. The officer should understand the basic mechanics of the weapon to the point where he or she could clear a jam or make minor repairs in the field. He or she should also have a working knowledge of other department firearms.

### **Arrest Control:**

This factor pertains to an employee's ability to utilize appropriate levels of force in affecting arrests. The employee should have a thorough understanding of the use of force continuum and apply only that level of force necessary to effect an arrest or control a subject.

A proficient rating in this category would be inappropriate for any employee found to have violated the procedure or used any level of unnecessary force.

### **Educational Achievement/Training:**

This section is designed to provide recognition for the employee's personal educational achievements, as well as his or her initiative in striving toward the educational objectives of the department.

The rater should include the educational levels completed, credit hours completed, name of major field of study, month and year of graduation whenever appropriate, name of the school, date of last enrollment (if the employee is currently inactive), and the number of credit hours being taken by an employee currently enrolled in school.

The rater should also specifically list all special assignments, added duties or responsibilities, and any committees or groups in which the employee participated during the evaluation period.

#### **1002.6.15 OVERALL PERFORMANCE RATING**

This portion summarizes the overall performance of the employee. The rater will utilize the expressed input regarding all of the above factors to reach a determination of the employee's overall rating. The rater shall specifically address the employee's level of goal achievement and summarize the significant events regarding the employee's performance during the evaluation period.

#### **1002.7 EVALUATION REVIEW**

When the supervisor has completed the evaluation, it will be submitted to the appropriate Division Commander for review and comment. The Division Commander will then provide the evaluation to the Chief of Police for review and comment. Once the staff review is complete the evaluation will be submitted to the Chief of Police for final review and comment.

#### **1002.8 EVALUATION DISCUSSION WITH EMPLOYEE**

The supervisor shall discuss the evaluation with the employee. The employee shall have the right to add comments to the evaluation. The signed performance evaluation is then forwarded to the administrative Executive Assistant.

# Englewood Police Department

## Englewood PD Policy Manual

### *Evaluation of Employees*

---

#### **1002.9 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

#### **1002.10 EMPLOYEE PERFORMANCE JOURNALS**

A journal is maintained for every sworn officer below the rank of Division Chief.

The employee's journal is an important tool for recording information for future reference and can assist a supervisor in making decisions relative to the employee and when completing the employee's yearly evaluation. The journal should be used to:

- Document quarterly and monthly meetings as described
- Document specific instances of an employee's good work, or specific instances of an employee's inadequate or inappropriate work effort
- Record observed patterns of excellent or poor job performance
- Record specific informal advice and training tips and techniques provided to the officer by a supervisor
- Contain photocopies of commendations

Primary responsibility for making entries into an employee's journal lies with an employee's immediate supervisor. Other department supervisors or commanders may also record entries, but should notify the primary supervisor, as a courtesy, as soon as practical.

Entries may be made as often as appropriate to document any event, situation, or circumstance. Whenever an entry is recorded, the supervisor will allow the employee to read it as soon as practical. The supervisor and the employee will initial the entry, and the employee may write additional comments if he or she wishes to do so.

Completed log pages are retained in an individual's log book until a subsequent yearly evaluation is written.

Log entries may be quoted or otherwise utilized in the writing of a yearly evaluation.

All log pages for the current evaluation period are attached to the completed evaluation for inclusion in the employee's personnel file maintained by administrative staff.

A copy of the completed yearly evaluation should be included for reference in the employee's journal.

##### **1002.10.1 PERSONNEL FILES**

Section 8 of the City of Englewood Administrative Policy Manual regulates what is entered into an employee's personnel file, who may enter it, and the conditions of review by the employee.

---

## Peer Support Advisor Team

### 1003.1 POLICY

The Peer Support Advisor Team (PSAT) provides confidential support during and after times of personal or professional crisis to members who express a need for assistance, or for whom supervisory staff feel could benefit from program involvement. The program shall promote trust, allow anonymity, and preserve confidentiality for all members utilizing the program. The program will not be used as any form of corrective action or discipline. The Peer Support Advisor Team provides support for employees and their families who experience stresses generated by the role of law enforcement in today's society.

### 1003.2 PROCEDURES

Organization and administration: The PSAT is comprised of department employees and operates under the direction of the team Coordinator and Co-Coordinator. If the team

Coordinator is unavailable to administer the team, the Co-Coordinator or their designee assumes responsibility. All positions within the Peer Support Advisor Team are voluntary.

Confidentiality: PSAT member confidentiality is specified under Colorado Revised Statute (C.R.S.) 13-90-107(m), Who may not testify without consent, enacted into law in 2005.

Individual (one-on-one) interactions are protected under this statute, group interactions are not. Additionally, there are several other circumstances wherein information obtained by

PSAT members is not confidential. Information received or provided to a PSAT member is not confidential when: (A) "A law enforcement or firefighter peer support team member was

a witness or a party to an incident which prompted the delivery of peer support services; (B) Information received by a peer support team member is indicative of actual or suspected

child abuse, as described in section 18-6-401, C.R.S., or actual or suspected child neglect, as described in section 19-3-102, C.R.S.; (C) Due to alcohol or other substance abuse

intoxication or abuse, as described in sections 25-1-310 and 25-1-1106, C.R.S., the person receiving peer support is a clear and immediate danger to the person's self or others; (D)

There is reasonable cause to believe that the person receiving peer support has a mental illness and, due to the mental illness, is an imminent threat to himself or herself or others

or is gravely disabled as defined in section 27-10-102, C.R.S.; or (E) There is information indicative of any criminal conduct." (C.R.S. 13-90-107(m)). PSAT members are subject to all other disclosures

# Englewood Police Department

Englewood PD Policy Manual

## *Peer Support Advisor Team*

---

mandated by law.

Information communicated in PSAT interactions is not subject to disclosure in any administrative investigation. Peace officer members of the PSAT are required to take actions, including arrest, in domestic violence cases where there is probable cause that a crime has been committed (C.R.S. 18-6-803.6). Debriefings and other group interactions conducted under the facilitation of a licensed psychologist/clinician are confidential within the limits prescribed by law. Participants in debriefings and other group interactions are obligated to respect the confidentiality of information obtained from others. The limits of confidentiality in debriefings and other group interactions will be explained at the start of the interaction.

PSAT members will not take notes during their interactions and the only information disseminated to the coordinator will be time spent and issue(s) discussed. PSAT will document interactions on the tracking form.

Any team member, who violates the confidentiality section of this policy may be subject to immediate removal from the PSAT.

In the event that confidentiality is breached due to threats to harm self or others, the Chief of Police, or designee, shall be notified. The Chief, or designee, may determine that the employee needs a fitness for duty assessment before returning to work. All matters pertaining to the employee's absence from work shall remain confidential in accordance with Policy.

### **1003.3 TEAM**

Availability of team: Any on-duty employee may request a team member respond to an incident upon notifying the on-duty supervisor. Any team member may respond to an incident where assistance may be required.

Team Response: PSAT members may respond to any traumatic incident, with a supervisor's approval. Examples of incidents where a response would be appropriate include:

Personal or Professional Crisis– This could be any incident which causes severe physical or mental injury, usually due to an external agent.

Selection of team: The team should comprise of a Coordinator, Co-Coordinator, as many as four Advisors, creating a team of six. Based on Department needs and growth, the team may be expanded at any time.

**Coordinator:** Assigned by the Chief of Police. The Coordinator shall function as the primary liaison between Advisors, the Psychological Services Unit, and the Chief of Police. The Coordinator will



# Englewood Police Department

Englewood PD Policy Manual

## *Peer Support Advisor Team*

---

keep record of current contacts of all Advisors and continuously seek out those members who would qualify as an Advisor. The records are to be kept secured at all times.

**Co-Coordinator:** Assigned by the team coordinator.

**Team members:** Applicants submit a letter stating their interest and qualifications; applicants submit a letter of recommendation from their immediate supervisor, outlining particular strengths that may benefit the team; Team members will be evaluated by the Team Coordinator, Co-Coordinator, and the Peer Advisor from one of the mental health providers the department is currently utilizing for consideration based on the documentation submitted, their overall standing in the department, training and experience. Current PSAT members may provide input before an applicant is appointed to the team. The Team Coordinator submits a list of qualified applicants to the Chief or his/her designee for final approval and appointment to the PSAT. Evaluations of team members should occur every six months to ensure the program and team member remain a good fit. A team member may resign from the team if participation causes undue stress. The Coordinator, Co-Coordinator, and the Chief of Police can remove a team member if their performance is unsatisfactory, if a member breaches confidentiality, or if the member is exhibiting signs of stress from participation.

Use of Team: Team members may respond to the scene of any traumatic incident or other location to meet with the involved personnel to provide immediate support. Team members are not to be used to assist with the incident investigation.

### **1003.4 TRAUMATIC INCIDENT DE-BRIEFING**

Traumatic incident debriefing: PSAT acts as a debriefing resource for employees who have recently experienced a traumatic incident. PSAT is to be used to assist a licensed mental health professional, in the defusing or debriefing. Critical Incident Debriefings are typically set up through Victim Assistance for a major call or Officer-Involved Injury. PSAT may be utilized to assist Sergeants with immediate defusings at the end of a shift.

Peer Support Advisor Team members, while engaged in a peer support role, shall not be utilized for other assignments or roles.

In the event that an employee directly involved in a traumatic incident requests a particular member of the PSAT, supervisors shall make every effort to release the PSAT member requested from an alternate assignment so that the PSAT member may provide peer support to the involved employee.

The team provides personal contacts as follows:

1. Self-referral: Any employee may request PSAT assistance for personal or professional matters.
2. Reach-out program: Team members may provide follow-up personal contact on a one-on-one basis to employees who were involved in a traumatic incident, or provide personal support to employees as needed.

# Englewood Police Department

Englewood PD Policy Manual

## *Peer Support Advisor Team*

---

3. PSAT members who are off-duty, upon contact with an employee seeking peer support, must assess the need for immediate intervention. If the PSAT member determines that immediate intervention is not necessary, the PSAT member will schedule a meeting with the employee during on-duty work hours.

Internal Affairs Investigations or Supervisory Inquiries: Employees involved in an internal affairs investigation or supervisory inquiry, who wish to seek assistance in dealing with stress related issues from the investigation, may contact any member of the PSAT for assistance.

---

## Promotional and Transfer Policy

### 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Englewood Police Department.

#### 1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Presents a professional and neat appearance
- (b) Maintains a physical condition that aids in his/her performance
- (c) Demonstrates:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to organizational goals and objectives
  - 9. Skills and abilities related to the position

#### 1004.1.2 PROMOTIONAL PROCESS

The Police Department publishes a written announcement of a promotional process not more than 90 days, nor less than 30 days, prior to the beginning of the process.

The promotional processes of the Police Department are governed by the Englewood Municipal Code, Title 3, Chapter 1, Article D, and Chapter III, Section 12, of the Administrative Policy Manual of the city of Englewood. Testing is developed and administered by the Police Department, in consultation with the Director of Human Resources.

The Director of Human Resources establishes an eligibility list based on the results of the examination (3-1D19). Position vacancies are filled from the eligibility list, once the list has been established by the Director of Human Resources, in accordance with Englewood Municipal Codes 3-1D-13, 3-1D-19, 3-1D-23 and 3-1C-3. When five or fewer names appear on the eligibility list, the Chief of Police may recommend an appointment, or that a new list be established. The Chief of Police may select any candidate from the existing eligibility list and recommend that person to the City Manager for appointment. The City Manager may appoint any candidate from the eligibility

# Englewood Police Department

Englewood PD Policy Manual

## Promotional and Transfer Policy

---

list, or decline appointment and request that a new list be established. The duration of an eligibility list (EMC 3-1D-19D) is one-year, unless exhausted or canceled, or extended by the Director of Human resources for an additional period not to exceed one year.

### 1004.2 SPECIALIZED ASSIGNMENTS

In an effort to provide opportunities for diversity and career development, the Police Department will strive to ensure that at least one opportunity for specialized assignments exists within the department on an annual basis.

A **Special Assignment** is defined as any assignment other than patrol to which an officer is assigned for a period of at least one year. Although the duration of the assignment may vary, it is generally considered to be temporary and subject to change at the discretion of the Chief of Police. The applicability of benefits such as clothing allowance, on-call pay, and use of take home vehicles for a particular assignment does not alter the temporary nature of the assignment and does not constitute a promotion. Examples of existing Special Assignments include: General Investigator (Detective), Task Force Investigator, Senior Detective, IMPACT, Professional Standards, School Resource Officer, and Traffic Officer.

**Optional Duty Assignments** are not primary duty assignments; however, they are offered to personnel and maintained under this policy. The duration of these assignments is discussed in 1004.2.1. Examples of Optional Duty Assignments include: Tactical Team (SWAT), Tactical Team (Negotiator), Field Training Officer, Master Police Officer, Crime Scene Investigator, Department Instructor/Certifier, etc.

At least once per year, in conjunction with the budget process, specialized assignments will be reviewed to determine whether or not the need for which the assignment was designed still exists, the assignment component is still productive, and if the assignment component remains cost effective.

#### 1004.2.1 DURATION OF SPECIALIZED ASSIGNMENTS

The following lists the positions and duration of Specialized Assignments:

<b>Position</b>	<b>Duration of Assignment (Years)</b>
Traffic	5
Impact Team	4
Task Force Investigators	3
General Assignment Detective	5
Senior Detective	Based on Performance
Professional Standards Bureau	5
School Resource Officer	3
Optional Duty Assignments	Based on Performance

# Englewood Police Department

Englewood PD Policy Manual

## *Promotional and Transfer Policy*

---

### **Rotation**

The duration of assignments (listed above) are guidelines and can change based on the performance of the individual in the position or on the needs of the organization. An officer in a rotating position may request a one (1) year extension. Officers removed from a position for poor performance may not reapply to fill that vacancy until a minimum of three years has passed.

### **1004.3 SPECIALIZED ASSIGNMENT SELECTION PROCESS**

The basic criteria for the selection of personnel for any specialized assignments are:

- Minimum of one year of experience with the Englewood Police Department;
- Commitment to the special assignment;
- Recommended by police department supervisors;
- Demonstrated interest and abilities in the specific assignment;
- Overall acceptable job knowledge and performance in current assignment;
- Any officer who leaves a Special Assignment must wait a minimum of 12 months before being eligible to apply for any Special Assignment;

The following criteria apply to selection and transfers to Specialized Assignments:

- Administrative evaluation as determined by the Chief of Police. This shall include a thorough review of the individual's current and past performance relative to organizational goals, and their abilities and performance relative to the duties and responsibilities of the requested assignment.
- Each supervisor who has supervised the candidate in the preceding two years will submit recommendations to the Division Commander for whom the candidate will work.
- The Division Commander will submit their recommendation(s) to the Chief of Police.
- Appointment by the Chief of Police.

The selection process may also include, but is not limited to, other components such as an oral interview, skill testing and a written examination. Additional requirements may be imposed for selection to a specific special assignment based on the needs and uniqueness of that assignment (i.e. weapons performance, motorcycle endorsement, etc).

Special Assignment openings will be filled using a selection process. An eligibility list will not be created or used for filling positions.

This policy is designed for officers below the rank of Sergeant. The selection process for the Command Group relative to the selection for Special Assignments will be determined by the Chief of Police.

# Englewood Police Department

Englewood PD Policy Manual

## *Promotional and Transfer Policy*

---

The policy and procedures for all positions may be waived for temporary assignments, emergency situations, scheduling needs in other workgroups (i.e. to provide adequate staffing on patrol or investigations or for training). The Chief of Police reserves the right to change the basic criteria for eligibility and selection if less than two eligible officers apply for the assignment. The Chief of Police may also appoint any officer to the assignment if no applications are received by the application deadline.

### 1004.3.1 REMOVAL FROM A SPECIAL ASSIGNMENT

Participation in Special Assignments is considered voluntary and at the discretion of the Chief of Police. Officers may be removed from a Special Assignment for the following reasons:

- At his or her own request;
- Transfer to an incompatible regular assignment;
- Promotion to a higher rank;
- Failure to maintain acceptable levels of performance or proficiency for the specific special assignment in which they serve; and
- Failure to maintain an acceptable level of performance in his or her regular assignment.

### 1004.4 DETECTIVE ASSIGNMENTS

The following assignments are available in the Detective Bureau:

General Assignment Detective – Assigned as a criminal case investigator including duties as outlined in the Detective Bureau standard operating procedures. This position is subject to rotation as defined in 1004.2.1.

Senior Detective – Assigned as a criminal case investigator including duties as outlined in Detective Bureau standard operating procedures. This position is recognized as a core position (as outlined in 1004.2.1) and is not subject to mandatory rotation. This position is maintained based on the needs of the organization to maintain detectives who receive advanced training and are capable of investigating and managing serious and complicated investigations. It is the intent of the Special Operations Division to maintain a minimum of four Senior Detective positions. In order to apply for special assignment as a Senior Detective, an applicant must currently be a General Assignment Detective or a Task Force Investigator (who has served in that role for a minimum of three years) or has been a General Assignment Detective or Task Force Investigator (who had served in that role for a minimum of three years) in the past and left in "good standing."

Task Force Investigators – Assigned to special task forces as designated by the Chief of Police (i.e. Arapahoe County Impact Team, EMATT, South Metro Drug Task Force). This position is subject to rotation as defined in 1004.2.1.

## Grievance Procedure

### **1005.1 PURPOSE AND SCOPE**

It is the policy of this department that all grievances are to be handled in accordance with the EPBA collective bargaining agreement, the EEA collective bargaining agreement, and the City of Englewood Administrative Policy manual, depending on the employee group.

### **1005.2 PUNITIVE ACTION**

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

## Anti-Retaliation

### 1006.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

### 1006.2 POLICY

The Englewood Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1006.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.



# Englewood Police Department

## Englewood PD Policy Manual

### *Anti-Retaliation*

---

#### **1006.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

##### **1006.4.1 WHISTLE-BLOWING**

Members who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Bureau for investigation in accordance with the Personnel Complaints Policy.

#### **1006.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

# Englewood Police Department

Englewood PD Policy Manual

## *Anti-Retaliation*

---

- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

### **1006.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1006.7 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1006.8 TRAINING**

The policy shall be reviewed with each new member (CRS § 24-31-906).

All members shall receive periodic refresher training on the requirements of this policy (CRS § 24-31-906).

# Reporting of Employee Convictions

## 1007.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1007.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Colorado and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; CRS § 18-12-108).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1007.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Colorado (CRS § 24-31-305(1.5)).

If a person is convicted of a misdemeanor crime listed in CRS § 24-31-305(1.5) after July 1, 2001, they may not obtain POST certification without a waiver or may have their POST certification suspended or revoked.

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

### 1007.3.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any criminal or civil court order. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate (see generally CRS § 24-31-303).

## 1007.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

# Englewood Police Department

Englewood PD Policy Manual

## *Reporting of Employee Convictions*

---

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

### 1007.4.1 ANNUAL CERTIFICATION OF PEACE OFFICER RECORDS

The Chief of Police or the authorized designee shall verify the accuracy of the information associated with POST-certified officers of the Englewood Police Department. Certification shall be made annually in the form and manner prescribed by POST (4 CCR 901-1:17).

## Drug- and Alcohol-Free Workplace

### 1008.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1008.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 1008.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Members will not consume alcoholic beverages within eight hours of an expectation of being in uniform or having to report for duty, or at any time while in uniform. Affected members shall notify the Patrol Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1008.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 1008.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on or off duty is prohibited and may lead to disciplinary action.

### 1008.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

# Englewood Police Department

Englewood PD Policy Manual

## *Drug- and Alcohol-Free Workplace*

---

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### **1008.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### **1008.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### **1008.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

# Englewood Police Department

Englewood PD Policy Manual

## *Drug- and Alcohol-Free Workplace*

---

### 1008.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but that refusal may result in dismissal or other disciplinary action.

### 1008.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if they:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that they took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name

### **1008.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### **1008.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

---

## Tattoos and Body Piercings

### 1009.1 TATTOOS

No tattoos, body art, or brands are permitted on the face, or front of the neck of any employee.

Employees are prohibited from having any form of tattoo that a reasonable person, by current social norms and standards might consider offensive. Tattoos associated with gangs, criminal behavior, depictions of sexual actions or nudity, and images or slogans that amount to racial, ethnic, national origin discrimination, religious slander, sexual orientation or gender bias are prohibited.

Any visible tattoo that is above the collarbone, shoulder blades or below the wrist of an employee are generally prohibited but will be evaluated on a case by case basis by the Chief of Police.

Employees hired prior to May 2019, with visible tattoos above the collarbone, shoulder blade or below the wrist that is not offensive by current social norms and standards are not required to cover those tattoos if approved by the Chief of Police.

Officers must receive authorization from the Chief of Police prior to obtaining any visible tattoo above the collarbone, shoulder blade or below the wrist.

The Chief of Police can require an employee to cover all tattoos for a legitimate business need. Such needs include but are not limited to, court appearances, special events or media appearances.

### 1009.2 BODY PIERCINGS

Sworn female employees in uniform may wear no more than one pair of post/stud earrings.

Body piercings or alteration of any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal, anatomical features that is not medically required, is prohibited.

Such body alterations include, but is not limited to the following:

- Tongue splitting or piercing.

- Abnormal shaping of the ears, eyes, nose or teeth.

- Branding or scarification.

- Foreign objects inserted into the face, nose or any other exposed body part (with the exception of female employees wearing conservative post/stud earrings).

  - Earlobe piercing shall be limited to conservative small holes to facilitate the wearing of normal post/stud earrings. "Guaging" the earlobe is not permitted.



## Sick Leave

### 1010.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

### 1010.2 POLICY

It is the policy of the Englewood Police Department to provide eligible employees with a sick leave benefit.

### 1010.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (CRS § 8-13.3-404; CRS § 8-13.3-405). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (CRS § 8-13.3-418).

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1010.3.1 NOTIFICATION

All members should notify the Patrol Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (CRS § 8-13.3-404).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

# Englewood Police Department

Englewood PD Policy Manual

## *Sick Leave*

---

### 1010.3.2 MANNER OF NOTIFICATION

Notice may be made orally or in writing and should include the expected duration of the absence (CRS § 8-13.3-404). Members are not required to disclose details related to domestic violence, sexual assault, stalking, or health information details (CRS § 8-13.3-412).

### 1010.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work (CRS § 8-13.3-404). Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### 1010.4.1 EXTENDED ABSENCE DUE TO PUBLIC HEALTH EMERGENCY

Members will not be required to provide documentation from a health care provider for paid sick leave taken during a public health emergency when authorized under CRS § 8-13.3-405.

### 1010.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  1. Negatively affected the member's performance or ability to complete assigned duties.
  2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1011.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Englewood Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1011.2 POLICY

The Englewood Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1011.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Providing baseline testing for members who are exposed to known or possible sources of hepatitis C during the course and within the scope of employment (CRS § 8-42-101).

# Englewood Police Department

Englewood PD Policy Manual

## Communicable Diseases

---

2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Reporting of diseases (6 CCR 1009-1:1 et seq.; 6 CCR 1009-7:1 et seq.).
4. Reporting cases of active or suspected tuberculosis to the Colorado Department of Public Health and Environment (CRS § 25-4-502; 6 CCR 1009-1:4).

The ECO should periodically review and update the exposure control plan and review implementation of the plan.

### 1011.4 EXPOSURE PREVENTION AND MITIGATION

#### 1011.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

# Englewood Police Department

Englewood PD Policy Manual

## *Communicable Diseases*

---

### 1011.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

### 1011.5 POST EXPOSURE

#### 1011.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

#### 1011.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury and Death Reporting and Illness and Injury Prevention policies).

#### 1011.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.

# Englewood Police Department

Englewood PD Policy Manual

## *Communicable Diseases*

---

- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1011.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

### 1011.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Working with the Colorado Department of Public Health and Environment or local health officers through their authority to investigate and control communicable diseases (CRS § 25-1.5-102; CRS § 25-4-506; CRS § 25-4-408; CRS § 25-4-412; CRS § 25-4-413).
- (c) Obtaining a court order for exposures related to assault offenses (CRS § 16-3-303.8; CRS § 18-3-202; CRS § 18-3-203; CRS § 18-3-204; CRS § 18-3-415).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the District Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

### 1011.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law).

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### 1011.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

# Englewood Police Department

Englewood PD Policy Manual

## *Communicable Diseases*

---

- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## Smoking and Tobacco Use

### 1012.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Englewood Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1012.2 POLICY

The Englewood Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

### 1012.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Englewood Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

### 1012.4 ADDITIONAL PROHIBITIONS

No member shall smoke or use any tobacco product inside department facilities or smoke tobacco products within 25 feet of an entryway of any department building (CRS § 25-14-204). Smoking includes the use of an electronic smoking device as defined in CRS § 25-14-203.



---

## Personnel Complaints

### 1014.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Englewood Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1014.2 POLICY

The Englewood Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements. Specifically, all allegations of unnecessary or excessive force will be investigated, per the Chief of Police.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1014.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

Internal investigations should remain confidential and are generally not of public concern nor are they of concern of non-involved members of the organization. Employees under investigation and those conducting investigation of alleged misconduct must protect the rights of the aggrieved employee and the organization. At no time should any employee be allowed to discuss the merits of an internal investigation with anyone else other than those investigating the allegation or the Chief or their designee.

#### 1014.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Patrol Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Complaints*

---

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 1014.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 1014.3.3 REPORTING AUTHORITY

The person responsible for the Professional Standards Bureau has the authority to report matters directly to the Chief of Police when necessary.

## **1014.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

### 1014.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

### 1014.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Complaints*

---

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

### **1014.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

### **1014.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

#### **1014.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Patrol Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Chief or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Patrol Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, a member of Command Staff shall be notified immediately. Serious

# Englewood Police Department

Englewood PD Policy Manual

## Personnel Complaints

---

allegations include but are not limited to allegations that would jeopardize Post certification, arrests, involve alcohol or drugs, sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

- (e) A member of Command Staff will promptly contact the City Attorney and the Department of Human Resources for direction regarding their roles in addressing a complaint that relates to serious allegations.
- (f) Forwarding unresolved personnel complaints to the Patrol Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 1014.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Englewood Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
  - 1. This should be provided in written form and include the employee's rights and responsibilities relative to the investigation.
  - 2. The employee should be informed of the ranks, names and commands of the person in charge of the interview and of all other persons to be present during the interview.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

# Englewood Police Department

## Englewood PD Policy Manual

### Personnel Complaints

---

- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
  - 1. Upon request, the employee shall be provided copies of recordings, transcriptions and reports made of an interview session.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - 1. Uninvolved attorneys or representatives present during interviews shall not be required to disclose any information received from the employee during the administrative investigation.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- (l) Completed investigations will be reviewed by members of Command Staff who will provide written opinions as to disposition to the Chief of Police. Investigation of a serious nature will include the City Attorney and Human Relations Director prior to a final disposition.

Information concerning administrative interviews shall be considered confidential and not be released to unauthorized employees or the public unless approved by the Chief of Police or the authorized designee.

# Englewood Police Department

## Englewood PD Policy Manual

### *Personnel Complaints*

---

#### 1014.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1014.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1014.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation.

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Complaints*

---

### 1014.6.6 NOTIFICATION TO COMPLAINANT

Supervisors should periodically communicate the status of an investigation to the complainant. Upon final disposition of a formal Professional Standards Bureau investigation and after taking into account any restrictions provided in applicable collective bargaining agreements and by Colorado law, the complaining party should be provided written notification of the outcome of the investigation.

### 1014.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

### 1014.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct involves a serious allegation, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee shall temporarily assign an accused employee to administrative leave with pay for not less than 3 work days. Serious allegations include but are not limited to allegations that would jeopardize Post certification, arrests, allegations involving alcohol or drugs, sexual, racial, ethnic or other forms of prohibited harassment or discrimination. Written documentation is required in order to place any employee on administrative leave. Any employee placed on administrative leave:

- (a) Shall be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

### 1014.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

# Englewood Police Department

## Englewood PD Policy Manual

### *Personnel Complaints*

---

The Englewood Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction.

No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1014.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### **1014.10.1 DIVISION CHIEF RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

##### **1014.10.2 CHIEF OF POLICE RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Chief for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.



# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Complaints*

---

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

### 1014.10.3 FORMS OF DISCIPLINE

The following methods may be considered for correcting poor job performance or misconduct:

- (a) Training
- (b) Counseling
  - 1. Counseling may be administered by the Chief of Police, Division Chief or other supervisor depending on the severity of the matter.
  - 2. The supervisor or staff member administering the counseling shall document the purpose and effect of the counseling.
- (c) Verbal reprimand
- (d) Written reprimand
- (e) Loss of leave
- (f) Suspension without pay
- (g) Punitive transfer
- (h) Demotion
- (i) Reduction in pay or step
- (j) Termination

The order of the above listed methods does not imply a required sequence. The Chief of Police should determine the method of correction by considering the actions of the member.

### 1014.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

# Englewood Police Department

## Englewood PD Policy Manual

### *Personnel Complaints*

---

- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1014.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

The Chief of Police or the authorized designee shall notify the Division of Criminal Justice when an officer resigned while under investigation for violating department policy (CRS § 24-31-903).

#### **1014.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal discipline using the procedures established by any collective bargaining agreement and/or personnel rules.

#### **1014.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

#### **1014.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

#### **1014.16 SECTION TITLE**

#### **1014.17 NOTIFICATION OF POST**

The Chief of Police or the authorized designee shall notify POST of any sustained findings of use or threatened use of unlawful force or failure to intervene by any officer currently employed by this department (CRS § 18-1-707; CRS § 24-31-904).

The Chief of Police or the authorized designee shall provide information regarding officer misconduct (e.g., knowingly making an untruthful statement, termination for cause, resignation or

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Complaints*

---

retirement pending investigation, conduct that subjects the officer to criminal investigation) to the POST Board misconduct database as required (CRS § 24-31-303).

## Seat Belts

### 1016.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (CRS § 42-4-236).

### 1016.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or when in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained (CRS § 42-4-236; CRS § 42-4-237).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1016.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 1016.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

# Englewood Police Department

Englewood PD Policy Manual

## *Seat Belts*

---

### **1016.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

### **1016.6 POLICY**

It is the policy of the Englewood Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

### **1016.7 TRANSPORTING CHILDREN**

All children younger than 8 years of age shall be restrained in a child restraint system (CRS § 42-4-236).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

### **1016.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

---

## Body Armor

### 1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1017.2 POLICY

It is the policy of the Englewood Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1017.3 ISSUANCE OF BODY ARMOR

The Englewood Police Department purchases each officer a bullet resistant vest, and replaces the vest every five years in accordance with the contract between the city of Englewood and the Englewood Police Benefit Association. All members of the Englewood Tactical Team are provided with entry vests to wear during any tactical team operation.

The Deputy Chief or his designee shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1017.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) In order to fulfill the Federal mandates required by the Bureau of Justice Assistance (BJA) and the Bulletproof Vest Partnership (BVP): It is mandatory for all uniformed officers, while they are on duty and engaged in patrol or field operations to wear their issued bullet resistant vest.
- (d) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (e) Body armor shall be worn when an officer is working in uniform.
- (f) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

# Englewood Police Department

## Englewood PD Policy Manual

### *Body Armor*

---

#### 1017.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation. Officers shall report any signs of damage or wear to their supervisor.

#### 1017.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

## Personnel Records

### 1018.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1018.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Colorado (CRS § 24-72-301 et seq.)

### 1018.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any member response shall be attached to and retained with the original adverse comment.
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

#### 1018.3.1 DEPARTMENT FILE

The Department file should contain at least the following:



# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Records*

---

- (a) Personal data, including marital status, family members, educational and employment history or similar information
- (b) Election of employee benefits
- (c) A photograph of the employee
- (d) Personnel action reports reflecting assignments, promotions and other changes in the employee's employment status
- (e) Performance evaluation reports regularly completed by the appropriate supervisor and signed by the affected employee shall be permanently maintained and a copy provided to the employee.
- (f) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.
  - 1. It shall be the responsibility of the involved employee to provide the Professional Standards Bureau Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
  - 2. The Professional Standards Bureau Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's Department file.
- (g) Records of disciplinary action.
  - 1. Records shall be maintained in the individual employee's Department file at least four years and as otherwise required by the current records retention schedule.
  - 2. Investigations of complaints that result in a finding of not sustained, unfounded or exonerated should not be placed in the employee's Department file, but should be separately maintained for the appropriate retention period in the Internal Affairs file as required by the current records retention schedule.
  - 3. Documents or records related to discipline which have been entirely overturned on appeal shall not be maintained in the employee's Department file, but will be separately maintained for the period required by the current records retention schedule.
- (h) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any member response shall be attached to and retained with the original adverse comment.
  - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Records*

---

refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the member's file.

- (i) Documents reflecting any commendation, congratulation or honor bestowed on an employee by a member of the public or by the Department for an action, duty or activity that relates to official duties. These documents should be retained in the employee's Department file, with a copy provided to the involved employee.

### **1018.4 DIVISION FILE**

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

### **1018.5 TRAINING FILE**

An individual training file shall be maintained by the Professional Standards Bureau Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved member is responsible for providing the Professional Standards Bureau Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Professional Standards Bureau Sergeant or supervisor shall ensure that copies of such training records are placed in the member's training file.

### **1018.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

### **1018.7 PURGING OF FILES**

Data in personnel files not related to pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Records*

---

- (a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
- (c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline or training and career development. If, in the opinion of the Chief of Police or the authorized designee, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to the current records retention schedule.

### **1018.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, District Attorney or other attorneys or representatives of the City in connection with official business.

#### **1018.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### **1018.8.2 RELEASE OF PERSONNEL INFORMATION**

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be

# Englewood Police Department

## Englewood PD Policy Manual

### *Personnel Records*

---

false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

#### 1018.8.3 RELEASE OF FILES TO AUTHORIZED AGENCIES

Upon receipt of a valid waiver, the Custodian of Records shall disclose data in the personnel file of a current or former officer, including internal affairs files, within 21 days to another law enforcement or governmental agency that is interviewing the officer. Prior to release, the Custodian of Records shall ensure that the information is not subject to a binding nondisclosure agreement. Disclosure may be accomplished by either providing copies of the personnel files or allowing the requesting agency to review the personnel files at the Department (CRS § 24-33.5-115; CRS § 24-35-120; CRS § 30-10-526; CRS § 31-30-108; CRS § 33-9-112).

#### 1018.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

# Englewood Police Department

Englewood PD Policy Manual

## *Personnel Records*

---

---

## Commendations and Awards

### 1019.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Englewood Police Department and individuals from the community.

### 1019.2 POLICY

It is the policy of the Englewood Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1019.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1019.4 AWARDS

The department has established a program of awards (medals, ribbons, and other decorations) to reward and publicly recognize exemplary employee performance. Decorations established by the Chief of Police, and awarded solely through his authority, are categorized as follows:

- a. Critical Incident medals - Medal of Honor, Medal of Valor, Medal of Gallantry, Purple Heart
- b. Administrative Awards - Meritorious Service Award, Distinguished Service Award, Police Service Award
- c. Service Awards - Service Stripes or Stars, Safety Award
- d. Assignment Pins - Tactical Team member, Crime Scene Investigator, Field Training Officer, Firearms instructor

#### 1019.4.1 MEDAL OF HONOR

The Medal of Honor is the highest decoration awarded by the police department and is reserved for employees who have performed acts of courage or heroism, with grave risk to their lives, while in the performance of their duty.

The act performed must have been one of conspicuous bravery or self-sacrifice so notable as to set the individual apart from his or her peers; and in which, under extraordinary circumstances, the employee displayed a willingness to risk his or her life in the performance of duty.

Clear proof of the act is required, and the recommendation will only be considered on the basis of extraordinary merit.

Any employee who gives his or her life in the line of duty, while performing an act of valor, shall be considered for the Medal of Honor posthumously.

# Englewood Police Department

## Englewood PD Policy Manual

### *Commendations and Awards*

---

#### 1019.4.2 MEDAL OF VALOR

The Medal of Valor is the second highest award, and is reserved for employees who have performed acts of valor beyond the call of duty, in situations presenting a significant danger to the employees, and during which the employees persevere and carry out whatever must be done with demonstrated courage and professionalism.

The award may be given where employees act to save a life or perform a duty and, in so doing, severely jeopardize their own lives.

Exceptional performance of normal duties alone will not justify this award.

#### 1019.4.3 MEDAL OF GALLANTRY

The Medal of Gallantry is reserved for employees who conduct themselves in an exemplary manner, displaying exceptional courage and demeanor, while serving in a duty of great responsibility and importance during a critical incident.

#### 1019.4.4 PURPLE HEART

The Purple Heart is awarded when an employee is wounded or seriously injured by a deadly weapon, as the result of an assault, while the employee is performing official duties and responsibilities.

#### 1019.4.5 MERITORIOUS SERVICE

The Meritorious Service Award may be given when an employee performs a particularly meritorious act during which the employee demonstrates exemplary skill and professionalism, or performs a physical act that saves the life of another person under circumstances not life threatening to the employee.

#### 1019.4.6 DISTINGUISHED SERVICE

The Distinguished Service Award is reserved for employees who distinguish themselves through exceptional service to the city and the department through unselfish and sustained efforts over a long period.

#### 1019.4.7 POLICE SERVICE

The Police Service Award may be presented to employees who perform a police service in an outstanding manner to bring credit to themselves and the department:

where an employee, by exemplary conduct and demeanor, performs his or her assigned functions in an unusually effective manner; or

an employee who, through personal initiative, tenacity, and great effort, acts to solve a major crime (or crimes), resulting in the arrest of a heinous criminal.

This award may not be granted for arrests arising solely from the information of an informant, but for extraordinary cases involving painstaking investigation.

## Fitness for Duty

### 1020.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

### 1020.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1020.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Patrol Supervisor or the employee's Division Chief, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.



# Englewood Police Department

Englewood PD Policy Manual

## *Fitness for Duty*

---

### **1020.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

### **1020.5 WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Patrol Supervisor or unit supervisor and with the concurrence of a Division Chief, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

The Chief of Police or the authorized designee should develop procedures for ongoing support and services for department members (CRS 16-2.5-403).

### **1020.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

# Englewood Police Department

## Englewood PD Policy Manual

### *Fitness for Duty*

---

- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.
- (g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

#### **1020.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- 15 hours in one-day period (24-hour period)
- 30 hours in any two-day period (48-hour period)
- 84 hours in any seven-day period (168-hour period)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

#### **1020.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

## Meal Periods and Breaks

### 1022.1 PURPOSE AND SCOPE

The policy regarding meals and breaks, insofar as reasonably possible, shall conform to the Collective Bargaining Agreement.

#### 1022.1.1 MEAL PERIODS

Police officers and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from the Dispatch Center prior to taking a meal period. Uniformed officers shall take their breaks in close proximity to the City limits and shall monitor their radios unless on assignment outside of the City.

Officers shall be granted a paid meal period of thirty (30) minutes for each eight (8) hour work shift. Employees working a ten (10) hour work shift shall be allowed a paid forty-five (45) minute meal period. The meal period shall be authorized and controlled by the employee's supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1022.1.2 REST PERIODS

Employees shall be granted a paid rest period not to exceed fifteen (15) minutes during approximately the first one-half of the employee's regular work day and an additional fifteen (15) minutes rest break during approximately the second one-half of the work day. Rest periods shall be authorized and controlled by the employee's supervisor.

## Payroll Records

### **1023.1 PURPOSE AND SCOPE**

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

### **1023.2 POLICY**

The Englewood Police Department maintains timely and accurate payroll records.

### **1023.3 RESPONSIBILITIES**

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

### **1023.4 TIME REQUIREMENTS**

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Support Services as established by the City payroll procedures.

### **1023.5 RECORDS**

The Support Services Division Chief shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

---

## Overtime Payment Requests

### 1025.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt salaried employees who work authorized overtime either by the payment of wages, as agreed to in the Collective Bargaining Agreement, or by the accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practicable after the overtime is worked.

#### 1025.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked, rather than by submitting a request for overtime payment. If the supervisor authorizes or directs the employee to complete a request for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed the number of hours identified in the Collective Bargaining Agreement.

#### 1025.1.2 SERGEANT COMPENSATION

Sergeants may receive overtime pay for appearances at subpoenaed court hearings, mandatory staff meetings, administrative hearings and assigned training that occur when the Sergeant would be off-duty. Sergeants may also receive overtime pay for extensions of their normal work schedule specifically assigned by their Division Commander.

Sergeants assigned to the Investigative Services Bureau may also receive overtime pay for serving in an on-call capacity and for after-hours response to major crime scenes.

Sergeants may elect to take overtime in the form of comp time with the approval of their Division Commander. The use of comp time will also be at the time-and-a-half rate.

### 1025.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisor as soon as practicable for verification and forwarding to the appropriate Division Commander.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

# Englewood Police Department

Englewood PD Policy Manual

## *Overtime Payment Requests*

---

### 1025.2.1 EMPLOYEE RESPONSIBILITY

Employees shall complete the request immediately after working the overtime and submit it to their immediate supervisor. Employees submitting an overtime request for on-call pay when off-duty shall submit it to their immediate supervisor the first day after returning to work.

### 1025.2.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall verify that the overtime was worked before approving the overtime request.

The overtime payment request will be forwarded to the employee's Division Chief for final approval prior to entry into the payroll system.

### **1025.3 ACCOUNTING FOR OVERTIME WORKED**

Employees shall record the actual time worked in an overtime status. In some cases, the Collective Bargaining Agreement provides that a minimum number of hours will be paid.

#### 1025.3.1 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Patrol Supervisor or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

---

## Outside Employment

### 1027.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in Police-related outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any Police-related outside employment. Approval of Police-related outside employment shall be at the discretion of the Chief of Police or his designee in accordance with the provisions of this policy.

Officers, while engaged in police-related outside employment, are subject to all department policies and procedures applicable to the situation. Officers will comply with orders and directives, issued by outside employers, that pertain to the contracted services consistent with professional and appropriate police procedure and conduct.

#### 1027.1.1 DEFINITION

**Police-related outside employment** - Police-related off-duty employment is any work performed or services provided by a police employee for any person, company, business or institution in which the authority granted by virtue of the Englewood Police Department is required or used in any way. This would include work performed in a department issued uniform, with or without other city equipment being used, where compensation is received from sources other than the city of Englewood.

### 1027.2 OBTAINING APPROVAL

No member of this department may engage in any Police-related outside employment without first obtaining prior written approval of the Chief of Police or his designee. Failure to obtain prior written approval for Police-related outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for Police-related outside employment, the employee must complete an off-duty work request that shall be submitted to the employee's immediate supervisor. The request will then be forwarded through the appropriate chain of command to the Chief of Police or his designee for consideration.

Police-related off-duty employment is a privilege granted by the department and is neither a right nor an obligation. Police-related off-duty employment is authorized solely at the discretion of the Chief of Police or his designee. Such authorization may be revoked at any time for any violations of policy and procedure or failure to maintain satisfactory job performance. All new and special requests for the services of off-duty officers will be approved by the Chief of Police or his designee.

If the specific nature of the work or employer changes, a new request for approval must be submitted.

Requests for police-related outside employment must be completed for each separate employer and at least once per month for continuous work with a single employer.

# Englewood Police Department

Englewood PD Policy Manual

## *Outside Employment*

---

Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the request at the time of the denial.

### **1027.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's request is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a complaint as outlined in the City Administrative Policy Manual.

### **1027.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION**

Any approved outside employment request may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment request. The revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.
- (b) If, at any time during the term of an approved outside employment request, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

### **1027.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any request submitted by an employee seeking to engage in any activity that:

- (a) Officers may not work police-related outside employment at any location or event where the sale/or consumption of alcohol is the primary source of revenue for the off-duty employer. Under no circumstances will any employee be authorized to work police-related outside employment at any location or event serving alcoholic beverages without having first received written permission from the Chief of Police.
- (b) Employees are not authorized to use marked or unmarked police vehicles for off-duty work unless specifically approved by the Chief of Police in advance of the off-duty employment.



# Englewood Police Department

Englewood PD Policy Manual

## *Outside Employment*

---

- (c) Officers will be limited to no more than 15 hours of total employment (regular duty and outside employment) during any 24-hour period. Extensions to the 15 hours may only be approved by members of the Command Group based on emergency situations and the needs of the organization.

### 1027.3.1 OUTSIDE POLICE-RELATED EMPLOYMENT SCHEDULING

The Chief may appoint a member of the Englewood Police Benefit Association Board as the police department's manager of police-related off-duty employment.

All police department personnel will refer requests or inquiries about police-related off-duty employment through the appointed manager. The manager will establish with the perspective employer the hourly wage and the number of officers required to fulfill the perspective employer's specific employment needs. In all cases requiring four or more officers at any one time, a specific supervisor or officer in charge must be designated and will be responsible for scheduling and managing that specific off-duty job.

All opportunities for police-related off-duty employment will be posted in a fair and conspicuous manner so as to ensure fairness to all employees. Police-related off-duty employment is available to all commissioned police employees who have successfully completed the Field Training Officer Program, including any remedial training.

### 1027.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### 1027.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Chief, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

### 1027.4 DEPARTMENT RESOURCES

Employees working police-related outside employment are authorized to use department portable radios upon specific approval of any on-duty patrol sergeant or member of the police department command group. Employees are not authorized to use marked or unmarked police vehicles for off-duty work unless specifically approved by the Chief of Police in advance of the off-duty employment.

Employees working police-related outside employment will notify communications of their work location, including starting and ending times, when they go on duty. A log will be maintained in communications to record this information.

---

# Occupational Disease and Work-Related Injury and Death Reporting

## 1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases and work-related injuries and deaths.

### 1029.1.1 DEFINITIONS

Definitions related to this policy include (CRS § 8-40-201):

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

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

## 1029.2 POLICY

The Englewood Police Department will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (CRS § 8-43-101 et seq.).

## 1029.3 RESPONSIBILITIES

### 1029.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate.

### 1029.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

If an employee is physically or mentally unable to provide notice of an occupational disease or work-related injury, his/her supervisor shall report such disease or injury in writing as soon as practicable (CRS § 8-43-102).

# Englewood Police Department

Englewood PD Policy Manual

## *Occupational Disease and Work-Related Injury and Death Reporting*

---

### 1029.3.3 DIVISION CHIEF RESPONSIBILITIES

The Division Chief who receives a report of an occupational disease or work-related injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity.

### 1029.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's personnel file.

The Chief of Police or the authorized designee shall ensure that a printed card notifying employees of their responsibility to report a workplace injury is displayed at all times in a prominent place in the workplace pursuant to CRS § 8-43-102.

### 1029.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Chief through the chain of command and a copy sent to the City's risk management entity.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

### 1029.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### 1029.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personal Appearance Standards

### 1031.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

### 1031.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

#### 1031.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male certified officers, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female certified officers, hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

#### 1031.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### 1031.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### 1031.2.4 FACIAL HAIR

Facial hair is authorized for sworn and non-sworn personnel at the discretion of the Chief of Police. Sideburns, mustaches, goatees and/or beards will be kept clean, neatly trimmed and professional in appearance, not to exceed 3/8 inch in length. Permission to wear mustaches, goatees, and/or beards may be withdrawn by the Chief of Police, who may direct an employee to trim or remove facial hair at any time. Any officer wearing facial hair must have available to them grooming equipment to remove facial hair should the need arise.

Regulations regarding hair length, mustaches, goatees, beards and sideburn styles are enforced according to supervisory judgment. Supervisory personnel will consider the following criteria when determining acceptable individual grooming standards: the gender of the officer, the overall appearance of the individual officer, uniformity among officers, and the overall department image.

If the supervisor feels that an officers facial hair does not meet the limits of this policy, or if he/she feels a person does not have the potential of maintaining a professional appearance (scraggly,

# Englewood Police Department

Englewood PD Policy Manual

## *Personal Appearance Standards*

---

patchy or sparse), or that a person is not keeping their facial hair properly trimmed and uniform in appearance with others, he/she will request it be shaved. Facial hair may not be grown in a manner that interferes with the proper deployment of a gas mask. Extreme styles such as a Fu Manchu, handlebar, goatee without a mustache, or soul patch (which is a small patch or strip of hair just below the lower lip) are prohibited.

Sworn personnel working in undercover assignments, or specialized assignments requiring facial hair not otherwise authorized by this policy, shall be exempt from these restrictions at the discretion of the Chief of Police, or their designee.

### 1031.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

### 1031.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

---

## Police Uniform Regulations

### 1033.1 PURPOSE AND SCOPE

The uniform policy of the Englewood Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The Englewood Police Department uniform specifications and procedures are maintained and periodically updated by the Chief of Police or the authorized designee and should be consulted regarding authorized equipment and uniform specifications.

The Englewood Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 1033.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not loan any portion of the uniform to others.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures, which are maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to the Englewood Police Department uniform specifications and procedures.
- (h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

# Englewood Police Department

Englewood PD Policy Manual

## *Police Uniform Regulations*

---

- (i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- (j) If the uniform is worn in transit when driving other than a marked vehicle, an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
- (k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (l) Mirrored sunglasses will not be worn with any Department uniform.
  - 1.
  - 2.
  - 3.

### 1033.2.1 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Chief.

### 1033.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

#### 1033.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all certified officers. The Class A uniform includes the standard issue uniform with the following:

- (a) Long sleeve shirt with tie (no external ballistic vest carrier will be worn as a Class A uniform)
- (b) Clean or polished shoes/boots

The Police hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

#### 1033.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

# Englewood Police Department

Englewood PD Policy Manual

## *Police Uniform Regulations*

---

- (a) The long or short-sleeve shirt may be worn with the collar open. No tie is required.
- (b) A navy blue or black crew neck undershirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Clean or Polished shoes/boots; approved all-black unpolished shoes/boots may be worn.
- (e) Boots with pointed toes are not permitted.

### 1033.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Chief of Police will establish the regulations and conditions for wearing the Class C uniform and its specifications.

### 1033.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as SWAT, Impact Team, motor officers and other specialized assignments.

### 1033.3.5 FOUL WEATHER GEAR

The officers will be provided with authorized uniform jacket and rain gear by the department.

## **1033.4 INSIGNIA AND PATCHES**

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4 of an inch below the shoulder seam of the shirt, and bisected by the crease in the sleeve.
- (b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2 inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or the authorized designee.



# Englewood Police Department

Englewood PD Policy Manual

## *Police Uniform Regulations*

---

- (e) An American flag pin may be worn, centered above the nameplate. An American flag patch of a size not to exceed 3 inches by 5 inches may be worn on the sleeve or above the right front pocket using appropriate flag display etiquette.
- (f) The department-issued badge must be worn and be visible at all times while in uniform. Certified non-uniformed personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or the authorized designee may authorize exceptions.

### **1033.4.1 MOURNING BADGE BAND**

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until Midnight on the day of the funeral.
- (b) A peace officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- (e) As directed by the Chief of Police or the authorized designee.

### **1033.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear shirts with a collar, slacks/pants or suits that are not provocative or revealing.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses/skirts, slacks/pants, shirts, blouses or suits that are not provocative or revealing.
- (d) Employees that do not have regular contact with the public will also be allowed to wear jeans. Jeans cannot be ripped or torn or in disrepair. Jeans will also be allowed on "casual Fridays" for all other employees (unless they have a specific uniform).
- (e) The following items shall not be worn on-duty:
  - 1. T-shirt alone

# Englewood Police Department

Englewood PD Policy Manual

## *Police Uniform Regulations*

---

2. Slides/Flip-Flops/Slippers
  3. Swimsuits or halter tops
  4. See-through clothing
  5. Distasteful printed slogans, buttons or pins
  6. Shorts
  7. Sweatshirts, sweatpants or similar exercise clothing
  8. Hats (unless required for personal protection, i.e. environmental)
- (f) The Chief of Police may designate other job descriptions that are except from this policy and require alternative clothing options based on the nature of the scope of work. The type of clothing will be at the discretion of the Chief of Police.
- (g) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (h) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Englewood Police Department or the morale of the employees.
- (i) Certified employees carrying firearms while wearing civilian attire should wear clothing (when appropriate and practical) that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

### **1033.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM**

Unless specifically authorized by the Chief of Police, Englewood Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Englewood Police Department to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support or oppose, any product, service, company or other commercial entity
- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction

### **1033.7 PERSONALLY OWNED EQUIPMENT REPLACEMENT**

The department recognizes the necessity for its employees to wear or use various personally owned items of clothing and equipment during the normal course of duty; for example: eye glasses required to correct vision or protect the eyes, duty weapon, briefcases, watches, gloves, flashlights, and items of equipment or clothing required for training or special assignment.

# Englewood Police Department

Englewood PD Policy Manual

## *Police Uniform Regulations*

---

Sunglasses worn on duty will not have bright or fluorescent-colored frames or lenses. The department also recognizes that these personally owned items may become damaged during the performance of the employee's duties. Guidelines are therefore established for the replacement of such damaged items.

The wearing or carrying of nonessential items of clothing or jewelry is discouraged. Such items will not be replaced when worn or damaged regardless of the circumstances. These items include optional leather jacket and combat-style sweater.

Essential items damaged or lost as a result of carelessness, inattention, accidental dropping, or normal wear and tear will not be repaired or replaced by the department. Personally owned essential items damaged or lost may be replaced when: the damage or loss resulted directly from the performance of a specific act required by duty; the circumstances of the incident, out of which the damage or loss occurred, must be unique to the duties and responsibilities of the employee (for example: pursuit of a suspect, physical confrontation, or specialized training); the item damaged or lost must logically have been required for on-duty use, or have been previously authorized for use by a supervisor. The circumstances and specifics of the incident must be documented on the appropriate department forms.

Per the Collective Bargaining Agreement, the following items will be replaced:

- a. Primary duty firearm (special modifications and custom grips or sights are not allowed unless otherwise approved by the Chief of Police)
- b. Flashlight
- c. Prescription eyewear

Requests for repair or replacement of lost or damaged items must be submitted within 72 hours following the incident. The requesting officer should submit a memorandum describing the request to his or her supervisor. Copies of related reports will be attached. The supervisor will investigate the circumstances and make recommendations to their respective Commander.

### **1033.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Englewood Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Englewood Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

---

## Nepotism and Employment Conflicts

### 1036.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this department.

#### 1036.1.1 DEFINITIONS

Definitions related to this policy include:

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

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

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

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

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

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

### 1036.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to

# Englewood Police Department

Englewood PD Policy Manual

## *Nepotism and Employment Conflicts*

---

transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

See also City of Englewood Administrative Policy #13 regarding employment of relatives.

### 1036.2.1 EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to state guidelines and to disclose of conflicts of interest as required by law (Colo. Const. art. XXIX; CRS § 18-8-308; CRS § 24-18-104; CRS § 24-18-105).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninformed, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninformed immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify the Dispatch Center to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

### 1036.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate

# Englewood Police Department

Englewood PD Policy Manual

## *Nepotism and Employment Conflicts*

---

or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

## Department Badges

### 1037.1 PURPOSE AND SCOPE

A Englewood Police Department badge and uniform patch, as well as the likeness of these items and the name of the Englewood Police Department, are property of the Department and their use shall be restricted as set forth in this policy.

### 1037.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

#### 1037.2.1 FLAT BADGE

Certified officers, with the written approval of the Chief of Police or the authorized designee, may purchase a flat badge (paid for by the EPBA) that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Englewood Police Department with the written approval of the Chief of Police or the authorized designee.
- (b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

#### 1037.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

- (a) Civilian personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified officer.

#### 1037.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may be given their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

# Englewood Police Department

Englewood PD Policy Manual

## *Department Badges*

---

### **1037.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1037.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Englewood Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.



## Temporary Modified-Duty Assignments

### 1039.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1039.2 POLICY

Subject to operational considerations, the Englewood Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1039.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Colorado Anti-Discrimination Act (CADA) shall be treated equally, without regard to any preference for a work-related injury (CRS § 24-34-401 et seq.).

No position in the Englewood Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1039.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Modified-Duty Assignments*

---

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Chiefs or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Chief will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the District Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Patrol Supervisor or Division Chief, with notice to the Chief of Police.

### **1039.5 ACCOUNTABILITY**

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Chief.

#### **1039.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Chief that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Modified-Duty Assignments*

---

### 1039.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

### 1039.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professional(s) stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

### 1039.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k); CRS § 24-34-401 et seq.). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

#### 1039.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

### 1039.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### 1039.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees

# Englewood Police Department

Englewood PD Policy Manual

## *Temporary Modified-Duty Assignments*

---

who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Employee Speech, Expression and Social Networking

## 1042.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1042.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

## 1042.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Englewood Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

## 1042.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Englewood Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates.

# Englewood Police Department

Englewood PD Policy Manual

## *Employee Speech, Expression and Social Networking*

---

Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### **1042.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Englewood Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Englewood Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Englewood Police Department or its employees. Examples include statements that indicate disregard for the law or the state or U.S. Constitution; expression that demonstrates support for criminal activity; participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Englewood Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

# Englewood Police Department

Englewood PD Policy Manual

## *Employee Speech, Expression and Social Networking*

---

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Englewood Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.
- (h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  - 1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
  - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

In addition, an employee is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the employee and/or others, from any web page or website maintained by the employee (e.g., social or personal website).

### 1042.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Englewood Police Department or identify themselves in any way that could be reasonably perceived as representing the Englewood Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative
- (b) Endorse, support, oppose or contradict any social issue, cause or religion
- (c) Endorse, support, or oppose any product, service, company or other commercial entity
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Englewood Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

# Englewood Police Department

Englewood PD Policy Manual

## *Employee Speech, Expression and Social Networking*

---

or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### 1042.4.2 EMPLOYEE ORGANIZATIONS

Any employee has the right to form, join, support, or participate in any employee organization, or its lawful activities, or to refrain from joining such an organization or participating in such activities.

### 1042.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 1042.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### 1042.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

#### 1042.7.1 REPORTING VIOLATIONS

Any member of the Englewood Police Department becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of the social media and internet policies of the Department and City shall notify his or her supervisor as soon as practical.



# Englewood PD Policy Manual

Englewood PD Policy Manual

## INDEX / TOPICS

[

[RANGEMASTER]

Firearms. . . . .	74
Inspections. . . . .	76

## A

ACCOUNTABILITY TO SUPERVISOR . . . . .	18
ACKNOWLEDGEMENTS	
Policy manual. . . . .	15
Policy revisions. . . . .	15
ADMINISTRATIVE HEARINGS . . . . .	399
ADMINISTRATIVE INVESTIGATIONS	
Criminal parallel. . . . .	575
OIS. . . . .	71
Recorded media files. . . . .	334
Vehicle damage. . . . .	463
ADMINISTRATIVE LEAVE	
OIS. . . . .	68
ADULT ABUSE . . . . .	120
Homeless persons. . . . .	354
Investigations. . . . .	406
AIRCRAFT	
Ambulance. . . . .	376
Flying while armed. . . . .	82
Temporary flight restrictions. . . . .	178
ALCOHOL	
Vehicle use. . . . .	462
ALCOHOL . . . . .	557
ALCOHOL USE . . . . .	557
AMMUNITION . . . . .	77
ANIMAL CONTROL PROCEDURES . . . . .	500
ANIMALS	
Dangerous. . . . .	81
Euthanize. . . . .	82
Injured. . . . .	82
ANTI-RETALIATION . . . . .	552
APPOINTMENTS	
Community relations coordinator. . . . .	251
Exposure control officer. . . . .	563
Forfeiture reviewer. . . . .	441
Liaison to the homeless community. . . . .	353
Operations director . . . . .	428, 434
Petty cash fund manager. . . . .	465
Press Information Officer. . . . .	177
ARRESTS	
Authority. . . . .	9
Citations. . . . .	298
Consular notifications. . . . .	509
Control devices. . . . .	54
Domestic violence. . . . .	104

First amendment assemblies. . . . .	370
Handcuffs and restraints. . . . .	51
Homeless persons. . . . .	354
Mass. . . . .	368
Mental health . . . . .	295, 296
Seat belts. . . . .	580
ASSET FORFEITURE . . . . .	439
AUDIO/VIDEO RECORDING	
Body-worn cameras. . . . .	332
Custodial interrogation. . . . .	407
Holding cells. . . . .	513
OIS. . . . .	73
AUDITS	
Asset forfeiture. . . . .	441
Informant files. . . . .	418
Informant funds. . . . .	414
Personnel complaints. . . . .	571
Petty cash. . . . .	465
AUTHORITY . . . . .	9
Abuse of. . . . .	353
Policy Manual. . . . .	13
AUTOMATED EXTERNAL DEFIBRILLATORS (AED) . . . . .	377
AUTOMATED LICENSE PLATE READERS	348
AVL . . . . .	461
<b>B</b>	
BACKGROUNDS . . . . .	531
BADGE . . . . .	615
BADGES, PATCHES AND IDENTIFICATION	
Administrative leave. . . . .	575
BARRICADE INCIDENTS . . . . .	284
BATONS . . . . .	55
BIOLOGICAL SAMPLES . . . . .	217
BLOOD TESTS . . . . .	395
BODY ARMOR	
Suspects. . . . .	76
BODY ARMOR . . . . .	582
BOMBS	
Chaplains. . . . .	234
Portable audio/video recorders. . . . .	333
BRIEFING	
Operations. . . . .	431
<b>C</b>	
CASH	
Audit. . . . .	414
Custody. . . . .	513
Informants. . . . .	415
Searches. . . . .	518
CHAPLAINS . . . . .	231
CHILD ABUSE	
Definitions. . . . .	131

# Englewood Police Department

## Englewood PD Policy Manual

CHILDREN			
Firearms. . . . .	80		
Safety . . . . .	104, 511		
Transportation. . . . .	581		
CITATIONS . . . . .	298		
Evaluation criteria. . . . .	381		
Traffic. . . . .	382		
CIVIL			
Liability response. . . . .	73		
CIVIL COMMITMENTS . . . . .	294		
CIVIL COMMITMENTS OR EMERGENCY ADMISSIONS			
Homeless persons. . . . .	355		
CIVIL DISPUTES . . . . .	372		
COMMAND PROTOCOL . . . . .	18		
COMMAND STAFF			
Occupational disease and work-related injury. . . . .	603		
Petty cash audit. . . . .	465		
Policy review. . . . .	15		
COMMENDATIONS AND AWARDS . . . . .	590		
COMMUNICABLE DISEASES			
Custody. . . . .	506		
COMMUNICATION OPERATIONS . . . . .	470		
COMPUTERS			
Digital evidence. . . . .	406		
CONDUCT			
Discriminatory harassment. . . . .	126		
OIS. . . . .	67		
Personnel complaints. . . . .	569		
CONFIDENTIALITY			
Adult abuse reports. . . . .	124		
Chaplains. . . . .	234		
Communicable disease information. . . . .	566		
Crisis intervention incidents. . . . .	364		
Custodial telephone calls. . . . .	511		
Informants. . . . .	416		
Personnel complaints. . . . .	571		
Radio broadcasts. . . . .	328		
Surreptitious recording. . . . .	333		
CONTACTS AND TEMPORARY DETENTIONS			
Warrant service. . . . .	436		
CONTROL DEVICES . . . . .	54		
Custody. . . . .	512		
Decontamination. . . . .	564		
First amendment assemblies. . . . .	369		
Training. . . . .	308		
CORRESPONDENCE . . . . .	32		
COURT ORDERS			
Asset seizure. . . . .	440		
Civil disputes. . . . .	373		
Domestic violence. . . . .	102		
Foreign. . . . .	105		
Juvenile informants. . . . .	416		
Source testing. . . . .	566		
Subpoenas. . . . .	181		
Surreptitious recording. . . . .	333		
CRIME ANALYSIS . . . . .	468		
CRIME SCENE AND DISASTER INTEGRITY . . . . .	263		
CRIMINAL ACTIVITY REPORTING . . . . .	173		
CRIMINAL ORGANIZATIONS . . . . .	322		
CRISIS INTERVENTION INCIDENTS . . . . .	361		
CRISIS RESPONSE UNIT			
Operations . . . . .	265, 432		
CUSTODIAL INTERROGATIONS . . . . .	407		
CUSTODIAL SEARCHES . . . . .	521		
<b>D</b>			
DAMAGE BY PERSONNEL . . . . .	175		
DEATH			
Chaplains. . . . .	233		
Custody – adults. . . . .	514		
Mourning bands. . . . .	609		
DEATH INVESTIGATION . . . . .	192		
DEATH NOTIFICATION . . . . .	193		
DEBRIEFING			
Crisis intervention incidents. . . . .	363		
Operations planning and deconfliction. . . . .	432		
DECONFLICTION . . . . .	430		
DEFECTIVE VEHICLES . . . . .	458		
DEFINITIONS			
Terms used in policy manual. . . . .	13		
DEPARTMENT/OFFICE PROPERTY . . . . .	446		
Loss Or Damage. . . . .	452		
DEPARTMENTAL DIRECTIVES . . . . .	20		
DEPENDENT ADULTS			
Safety . . . . .	104, 511		
DISCIPLINE . . . . .	166		
Personnel complaints. . . . .	576		
DISCLAIMER . . . . .	13		
DISCRIMINATION			
Personnel complaints. . . . .	571		
DISCRIMINATORY HARASSMENT			
Complaints. . . . .	129		
DISPUTED CLAIMS . . . . .	478		
DIVISION . . . . .	17		
DOMESTIC VIOLENCE . . . . .	102		
DRIVING			
MDT/MDC. . . . .	327		
DRIVING TACTICS . . . . .	90		
DRUG USE . . . . .	557		
DUI ENFORCEMENT . . . . .	394		

# Englewood Police Department

## Englewood PD Policy Manual

### E

ELECTRONIC CIGARETTES . . . . .	568
ELECTRONIC MAIL . . . . .	30
Personnel complaints. . . . .	570
EMDT . . . . .	59
EMERGENCY MANAGEMENT PLAN MANUALS . . . . .	22
EMPLOYEE CONVICTIONS . . . . .	555
EVALUATION . . . . .	534
EVIDENCE	
Bombs. . . . .	293
Custodial searches. . . . .	521
Digital. . . . .	406
Personnel complaints . . . . .	570, 574
Seizing recordings. . . . .	357
EXAMINATIONS	
Mental, Physical. . . . .	593
EXPLOSIONS . . . . .	292
EXPOSURE . . . . .	283
EXPOSURE CONTROL	
Officer. . . . .	563
EYEWITNESS IDENTIFICATION . . . . .	420

### F

FIELD SOBRIETY TESTS . . . . .	394
FIELD TRAINING OFFICER . . . . .	315
FIREARMS . . . . .	74
Custody. . . . .	512
Vehicle use. . . . .	462
FIRST AMENDMENT ASSEMBLIES . . . . .	366
FITNESS FOR DUTY	
OIS. . . . .	68
FITNESS FOR DUTY . . . . .	592
FLYING WHILE ARMED . . . . .	82
FOOT PURSUIT . . . . .	343
FOREIGN	
Court orders. . . . .	105
Currency. . . . .	518
Nationals. . . . .	509
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTIVES . . . . .	301

### G

GRIEVANCE PROCEDURE . . . . .	551
GRIEVANCES	
Supervisor authority. . . . .	13
GROOMING STANDARDS . . . . .	604

### H

HANDCUFFING . . . . .	50
HANDCUFFING AND RESTRAINTS . . . . .	49
Custody. . . . .	513
HATE CRIMES . . . . .	153
HAZARDOUS MATERIAL (HAZMAT) RESPONSE	
Precautions. . . . .	564
HIGH-VISIBILITY VESTS . . . . .	382
HOMELESS PERSONS . . . . .	353
HOSTAGE AND BARRICADE INCIDENTS	284

### I

IDENTITY THEFT . . . . .	195
IMMUNIZATIONS . . . . .	565
IMPAIRED DRIVING . . . . .	394
INFORMANTS . . . . .	414
INFORMATION TECHNOLOGY USE . . . . .	167
INSPECTIONS	
Exposure control. . . . .	563
Holding cells. . . . .	513
Personnel. . . . .	606
Police vehicles. . . . .	460
INTERNAL AFFAIRS	
Personnel records. . . . .	586
INVESTIGATION AND PROSECUTION . . . . .	404

### J

JURISDICTION	
OIS. . . . .	66
JURISDICTION	
Authority. . . . .	9
Consular notification. . . . .	509
Foreign court orders. . . . .	105
Identity theft. . . . .	195
Registered offenders. . . . .	183

### K

KINETIC ENERGY PROJECTILE . . . . .	56
-------------------------------------	----

### L

LAW ENFORCEMENT AUTHORITY . . . . .	9
LIMITED ENGLISH PROFICIENCY . . . . .	203

# Englewood Police Department

## Englewood PD Policy Manual

### M

#### MDT/MDC

Use. . . . .	461
Vehicles. . . . .	461

MEAL PERIODS AND BREAKS . . . . .	595
-----------------------------------	-----

#### MEDIA

First amendment assemblies. . . . .	370
OIS. . . . .	73
Operations plans. . . . .	432
Warrant service. . . . .	438

MEDIA REQUEST . . . . .	177
-------------------------	-----

#### MEDICAL

Adult involuntary detention. . . . .	120
Barricade situation. . . . .	285
Domestic violence. . . . .	104
Homeless persons. . . . .	354
Jail notification. . . . .	50
Leave act (FMLA). . . . .	561
Opiate antagonist. . . . .	378
Personnel-body cavity searches. . . . .	520
Releases. . . . .	376
Treatment for communicable disease exposure. . . . .	565
Treatment for OC spray. . . . .	56
Treatment for occupational disease and work-related injury. . . . .	602

#### MOBILE AUDIO/VIDEO (MAV)

OIS. . . . .	73
--------------	----

MOBILE DIGITAL TERMINAL USE . . . . .	327
---------------------------------------	-----

MODIFIED-DUTY ASSIGNMENTS . . . . .	617
-------------------------------------	-----

#### MUTUAL AID

First amendment assemblies. . . . .	369
Interstate peace officer powers. . . . .	10
Warrant service. . . . .	437

### N

#### NONSWORN

Crisis intervention incidents. . . . .	364
Investigation and prosecution. . . . .	404
Vehicles. . . . .	462

#### NOTIFICATION

Consular. . . . .	509
-------------------	-----

#### NOTIFICATIONS

Custody suicide attempt, death or serious injury. . . . .	514
Exposure control. . . . .	563
Impaired driving. . . . .	396
Jail. . . . .	50
OIS. . . . .	68
Post-OC application. . . . .	56

Restraints. . . . .	50
NUMERICAL FILING . . . . .	483

### O

OATH OF OFFICE . . . . .	12
--------------------------	----

OC SPRAY . . . . .	55
--------------------	----

OCCUPATIONAL DISEASES AND WORK-RELATED INJURY AND DEATH REPORTING . . . . .	602
---	-----

#### OFFICER SAFETY

Asset forfeiture. . . . .	439
Civil commitments. . . . .	295
Crime scene and disaster integrity . . . . .	263, 263
Crisis intervention incidents. . . . .	362
Custodial searches. . . . .	521
Domestic violence. . . . .	102
Firearm Confiscation. . . . .	67
Informants. . . . .	417
Seat belts. . . . .	580
Warrant service. . . . .	434

OFFICER-INVOLVED SHOOTING (OIS) . . . . .	66
---	----

OFFICER/DEPUTY IDENTIFICATION . . . . .	471
---	-----

#### OPERATIONS PLANNING AND

DECONFLICTION . . . . .	428
-------------------------	-----

OUTSIDE AGENCY ASSISTANCE . . . . .	187
-------------------------------------	-----

OUTSIDE EMPLOYMENT . . . . .	599
------------------------------	-----

Obtaining Approval. . . . .	599
-----------------------------	-----

Prohibited Outside Employment. . . . .	600
--	-----

#### OVERTIME

Court. . . . .	182
----------------	-----

OVERTIME PAYMENT . . . . .	597
----------------------------	-----

### P

PARKING . . . . .	462
-------------------	-----

PATROL FUNCTION . . . . .	256
---------------------------	-----

PATROL SUPERVISORS . . . . .	326
------------------------------	-----

PEPPER SPRAY . . . . .	55
------------------------	----

PERSONAL APPEARANCE . . . . .	604
-------------------------------	-----

PERSONAL PROPERTY . . . . .	446
-----------------------------	-----

Loss or damage. . . . .	452
-------------------------	-----

#### PERSONNEL COMPLAINTS

Portable audio/video review. . . . .	334
--------------------------------------	-----

#### PERSONNEL FILES

Purging Of Files. . . . .	586
---------------------------	-----

PERSONNEL ORDERS . . . . .	32
----------------------------	----

PERSONNEL RECORDS . . . . .	584
-----------------------------	-----

#### PHOTOGRAPHS

First amendment assemblies. . . . .	367
-------------------------------------	-----

Photo lineup. . . . .	422
-----------------------	-----

# Englewood Police Department

## Englewood PD Policy Manual

PIO . . . . .	177	Operations plans. . . . .	431
POLICY MANUAL . . . . .	13	RECRUITMENT AND SELECTION . . . . .	529
PORTABLE AUDIO/VIDEO RECORDERS . . . . .	332	REGISTERED OFFENDER INFORMATION . . . . .	183
PREGNANCY		RELIGION	
Custody . . . . .	506, 513	Accommodations in custody. . . . .	512
Temporary modified-duty assignments. . . . .	619	REPORT CORRECTIONS . . . . .	176
Use of restraints. . . . .	49	REPORT PREPARATION . . . . .	173
PRESS INFORMATION OFFICER . . . . .	177	REPORTING CONVICTIONS . . . . .	555
PRIVACY EXPECTATIONS		Family Violence . . . . .	555, 555
Administrative searches. . . . .	575	RESPONSE TO CALLS . . . . .	98
Audio/video recordings. . . . .	332	RESTRAINTS . . . . .	49
MDT/MDC. . . . .	327	RESTRICTED INFORMATION . . . . .	179
Technology use. . . . .	167	RETALIATION PROHIBITED . . . . .	552
Vehicles. . . . .	460	REVIEWS	
PRIVATE PERSONS ARRESTS . . . . .	199	Asset forfeiture seizures. . . . .	441
PROBATIONARY EMPLOYEES		Bias-based policing - annual. . . . .	261
Personnel complaints. . . . .	578	Crisis intervention incidents. . . . .	365
PROMOTIONAL PROCESS . . . . .	547	Exposure control plan. . . . .	563
PROPERTY PROCEDURES . . . . .	472	Policy manual. . . . .	15
Disputed Claims. . . . .	478	Portable audio/video recordings. . . . .	334
Packaging Of Property. . . . .	474	Registrant compliance - annual. . . . .	184
Property Booking. . . . .	473	ROLL CALL TRAINING . . . . .	262
Property Handling. . . . .	472		
Property Release. . . . .	477		
PROTECTED INFORMATION		<b>S</b>	
Criminal offender information. . . . .	492	SAFETY	
PUBLIC RECORD REQUESTS . . . . .	486	Canines. . . . .	461
PUBLIC RECORDING OF LAW ENFORCEMENT		Firearms. . . . .	79
ACTIVITY . . . . .	356	Media. . . . .	177
PURSUIT INTERVENTION . . . . .	95	Unlawful or conflicting orders. . . . .	165
PURSUIT POLICY . . . . .	85	SAFETY	
PURSUIT UNITS . . . . .	88	Temporary flight restrictions. . . . .	178
		SAFETY EQUIPMENT	
<b>R</b>		First amendment assemblies. . . . .	368
RADIO COMMUNICATIONS . . . . .	470	High-visibility vests. . . . .	382
RAPID RESPONSE AND DEPLOYMENT . . . . .	305	Seat belts. . . . .	580
RECORDS BUREAU		Unauthorized. . . . .	611
Administrative hearings. . . . .	399	SEARCH AND SEIZURE . . . . .	108
Impaired driving. . . . .	399	SEARCH WARRANT	
Suspicious activity reports. . . . .	360	Seized recording devices or media. . . . .	358
RECORDS MAINTENANCE AND RELEASE	486	SEARCH WARRANTS . . . . .	434
RECORDS RELEASE		SEARCHES	
Adult abuse. . . . .	124	Administrative. . . . .	575
Audio/video recordings. . . . .	335	Body cavity. . . . .	520
Eyewitness identification policy. . . . .	422	Crime scene. . . . .	264
Subpoenas and discovery requests. . . . .	488	Custodial. . . . .	521
RECORDS REQUESTS		Police vehicle inspections. . . . .	460
Personnel records. . . . .	587	Strip. . . . .	518
RECORDS RETENTION		SEARCHING	
Audio/video recordings. . . . .	335	Dead Bodies. . . . .	193
Email. . . . .	31	SEAT BELTS . . . . .	580
		SECURITY	

# Englewood Police Department

## Englewood PD Policy Manual

Personnel records. . . . .	587
SICK LEAVE . . . . .	561
SMOKING AND TOBACCO USE . . . . .	568
SOCIAL MEDIA . . . . .	236
Backgrounds. . . . .	531
Media relations. . . . .	370
STANDARDS OF CONDUCT . . . . .	156
SUBPOENAS . . . . .	181
Records release and discovery requests. . . . .	488
SUBPOENAS AND COURT APPEARANCES	181
SUCCESSION OF COMMAND . . . . .	18
SUPERVISION DEPLOYMENTS . . . . .	33
SUPERVISION STAFFING LEVELS . . . . .	33
SUSPICIOUS ACTIVITY REPORTING . . . . .	359

## T

TEAR GAS . . . . .	55
TECHNOLOGY USE . . . . .	167
TEMPORARY CUSTODY	
Adults. . . . .	506
TERMINATE A PURSUIT . . . . .	87
TOLL ROADS . . . . .	463
TRAFFIC	
Citations. . . . .	382
TRAINING . . . . .	25
Adult abuse. . . . .	124
AED. . . . .	378
Communicable disease. . . . .	566
Community relations. . . . .	254
Control devices. . . . .	57
Crisis intervention incidents. . . . .	365
Custodial searches. . . . .	521
Custody. . . . .	516
Fair and objective policing. . . . .	261
Firearms. . . . .	81
First amendment assemblies. . . . .	371
Operations planning and deconfliction. . . . .	433
Personnel records. . . . .	586
Rapid response and deployment. . . . .	308
Social Media. . . . .	238
Use of force. . . . .	46
Warrant service. . . . .	438
TRAINING	
Protected information. . . . .	495
SWAT. . . . .	267
TRAINING PLAN . . . . .	25
TRANSFER PROCESS . . . . .	547

## U

UNIFORMS	
Courtroom attire. . . . .	182
UNIFORMS AND CIVILIAN ATTIRE	
Vehicle use. . . . .	463
UNITY OF COMMAND . . . . .	18
UNLAWFUL ASSEMBLY . . . . .	369
URINE TESTS . . . . .	395
USE OF FORCE	
First amendment assemblies. . . . .	369
USE OF SOCIAL MEDIA . . . . .	236

## V

VEHICLE MAINTENANCE . . . . .	458
VEHICLE USE . . . . .	460
VIDEO RECORDINGS	
First amendment assemblies. . . . .	367

## W

WARNINGS	
Shots. . . . .	82
Traffic. . . . .	382
WARRANT SERVICE . . . . .	434
WASHING OF VEHICLES . . . . .	459