CHIEF'S PREFACE

The Gunnison Police Department prides itself on being a professional organization, providing excellent customer service and support for the Gunnison Community. To achieve these objectives officers and employees of the department must have clearly defined policies on which to base the many decisions, tasks and functions we are called on to perform. These policies must also be legally defensible taking into account current legislative requirements, judicial reviews and recognized best practice

This manual is for internal use and does not release any member of their civil or criminal liability in any way. These directives have been designed to meet the high standards of our profession and specifically, our Department. The right is reserved by the Chief of Police to amend or revoke any of the Policies and Procedures, in part or in whole, or to make any additions as circumstances dictate.

All prior orders covering Policies and Procedures are hereby rescinded and are superseded by this Policy Manual. Members are to understand that the Gunnison Police Department cannot establish rules, policies, or procedures that will cover every possible situation which may arise during our day to day operations. Where policy has not been established employees should refer to their knowledge of local, state and federal law and best practices.

This manual will be updated as necessary to reflect changes in the law, personnel responsibilities, and Department goals and objectives. It is intended to be a living, fluid document.

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT

The Mission of the Gunnison Police Department is to reflect a responsiveness to, and create a feeling of security in, our community through: protecting the Constitutional Guarantees to all persons; protecting life and property, preserving public peace and order; creating partnerships throughout the community, preventing, detecting, and solving crimes; facilitating the safe movement of people and vehicles, and rendering other emergency services as needed.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Gunnison 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 GUNNISON POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Gunnison 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 GUNNISON POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Gunnison 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 Gunnison Police Department and any of the following conditions exist (CRS § 16-3-106):

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

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

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

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

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100.2.3 AUTHORITY GRANTED IN GUNNISON COUNTY

Sworn Officers of the Gunnison Police Department on approval of the Gunnison County Sheriff may be sworn in as Deputies. This authority has been extended to increase officer ability to provide services to the public when Sheriff's Department personnel are not available, when law enforcement personnel request assistance or when Officers travel outside the Gunnison City Limits and in Gunnison County.

(a) The Gunnison - Crested Butte Regional Airport property crosses jurisdictional boundaries. The private operations, buildings, hangers and parking areas are in the county and criminal reports will be handled by the Sheriff's Office. The public terminal and parking lot are within the City and criminal reports will be handled by the police department. The runways, taxiways and aprons cross jurisdictional boundaries and airport facilities themselves are county property with a high degree of security concerns. As such any in progress emergency will be a joint response by both agencies.

(b) The Gunnison Police department has authorized a seven (7) mile service area around Gunnison for life threatening emergencies. Officers may respond within the service area to assist other law enforcement agencies or citizens when other law enforcement is unavailable, in a timely manner, and a life threatening emergency exists. Officers will stabilize the situation until Sheriff's Office personnel arrive. A supervisor will be notified if the officer(s) will be unable to respond to call for service in the City. Officers will complete an agency assist report which will be forwarded to the appropriate agency.

(c) Officers on request may respond outside the service area for emergencies on the request of a law enforcement agency and after receiving permission from a supervisor. These should be for life threatening emergencies, limitedresponse to stabilize the situation and consideration given to calls for service in Gunnison. Officers will complete an agency assist report which will be forwarded to the appropriate agency.

(d) Gunnison Police Department investigative follow up, warrant service, summons service, etc. may be performed by officers in the course of their duties. Sheriff's Department personnel will be advised in a timely manner and may elect to participate.

(e) The Gunnison County Sheriff, or designee, may request assistance from the Gunnison Police Department through the Chief of Police, or designee, for assistance in law enforcement matters.

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).

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

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

100.4 FEDERAL RESERVATIONS

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

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

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

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

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 POLICY

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

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

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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 to support the constitution of the United States, the constitution of the state of Colorado, the City of Gunnison Home Rule Charter, the laws of the state of Colorado and the laws and ordinances of the City of Gunnison and faithfully perform the duties of a law enforcement officer (CRS § 24-12-101, City of Gunnison Ordinance 4 Series 2022).

102.3.1 CANON OF ETHICS

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

102.3.2 LANGUAGE TO BE USED

I, <insert name>, do solemnly <select swear or affirm> that I will support the Constitution of the United States, the Colorado State Constitution, the City of Gunnison Home Rule Charter, the laws of the State of Colorado, and the laws and ordinances of the City of Gunnison, and will faithfully perform the duties of the office of <insert office> upon which I am about to enter to the best of my ability.

Officer taking oath or affirmation may elect which term to use. If, choosing to swear an oath, the officer swearing shall do so with an uplifted hand.

102.4 ADMINISTERING OATH OR AFFIRMATION

The Police Chief and City Clerk are authorized to administer oaths or affirmations for police officers.

Oaths or affirmations will be verbal and in writing signed by the officer taking the oath or affirmation as well as the official administering the oath or affirmation. (CRS § 24-12-101, CRS § 24-12-103, City of Gunnison Ordinance 4 Series 2022).

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102.4.1 APPOINTMENT
Prior to taking an oath or affirmation, the officer will be appointed by the City Manager as a police officer and comply with State of Colorado statute pertaining to residency requirements. (CRS § 29-5-101, City of Gunnison Ordinance 4 Series 2022)

Appointment to any position with the City of Gunnison is reflected through payroll records or other documents signed by the City Manager.

102.5 MAINTENANCE OF RECORDS
Signed copy of the oath or affirmation will be;

(a) provided to the employee

(a) placed in the employee personnel file and maintained per established department retention policy, and

(a) filed with the Gunnison County Clerk (CRS § 24-12-101, City of Gunnison Ordinance 4 Series 2022).

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Gunnison 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.

103.1.1 CITY OF GUNNISON PERSONNEL POLICY

The Gunnison Police Department is authorized by the Charter of the City of Gunnison and under the direction of the City Manager. The purpose of this Policy Manual is not to duplicate the City of Gunnison Employee Handbook or Personnel Policy but may make reference to clarify application to police department employees. Not all City Personnel or Administrative policy will be referenced in this Policy Manual and employees are accountable to know and conform to City of Gunnison Personnel and Adminsitarive Policy. Where conflicts may arise between Policy Manual and City Policy, City Policy will prevail, unless the Police Department is specifically exempted.

103.2 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.

103.2.1 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 Gunnison 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 Gunnison Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 DISCRETION

Citizens have a right to expect consistent treatment from the police.

A police employee, of necessity, must exercise discretion in the performance of his/her duties. Decision making by police employees, with respect to discretion, may not include the police employee’s individual beliefs or prejudices. The outcome of a contact with the police must be

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dependent on the facts of the situation not the personal preferences of an individual police employee. A given set of circumstances are expected to produce similar results, regardless of which employee handles the situation.

103.3 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.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - Code of Colorado Regulations.

CFR - Code of Federal Regulations.

City - The City of Gunnison.

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

Department/GPD - The Gunnison 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 Gunnison Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

- Full- and part-time employees
- Certified peace officers
- Civilian employees
- Volunteers.

Neighborhood Service Officer - Those employees, who are not POST-certified, authorized to enforce parking, animal, and nuisance violations.

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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.

103.5 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.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

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103.7 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 Section Supervisor 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 Section Supervisors, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 SECTIONS

The Chief of Police is responsible for administering and managing the Gunnison Police Department. There are four sections in the Police Department:

- Administrative Services Section
  - Police Records, Property, Law Enforcement Advocate
- Patrol Section
  - Patrol, Community Resource
- Investigation Section
- Neighborhood Services

200.2.1 ADMINISTRATIVE SERVICES SECTION

The Administrative Services Section directly reports to the Chief of Police. The Administrative Services Section consists of Police Records, Property Custodian and Law enforcement Advocate.

200.2.2 PATROL SECTION

The Patrol Section, under the command of the Captain, is supervised by the Patrol Sergeants, whose primary responsibility is to provide general management, direction and control for the Patrol Section . The Patrol Section consists of Uniformed Patrol, traffic enforcement, Special Events and Special Operations.

Officer assigned as Community Resource, when function as resource officer, reports directly to Captain,

200.2.3 INVESTIGATION SECTION

The Investigation Section, under the command of the Captain, is supervised by the Detective Sergeant, whose primary responsibility is to provide general management, direction and control for the Investigation Section. The Detective Sergeant shall also assist with patrol officer's case management/investigations and other patrol supervision where needed. The Investigation Section consists of Investigations.

200.2.4 NEIGHBORHOOD SERVICES SECTION

The Neighborhood Services Section directly reports to the Captain. The Neighborhood Services Section consists of Municipal Ordinance Enforcement; animals, nuisances and abandoned vehicles, and parking violations.

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200.2.5 ORGANIZATIONAL CHART
The Chief of Police or the authorized designee is responsible for developing and updating, at least annually. a chart showing the organizational components and functions. See attachment: ORG Chart - revised 08-01-2023.pdf

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 the Captain will act in the place of the Chief of Police.

In the event of an emergency and the Chief of Police or Captain are unavailable supervision will be Sergeant based on seniority, then patrol officer by seniority.

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

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

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

200.5 PATROL STAFFING
The Chief of Police should conduct a workload assessment to determine patrol-staffing needs. In conducting the assessment, the following should consider:

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

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

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

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

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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. 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.

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 SPECIAL ORDERS PROTOCOL

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

201.2 RESPONSIBILITIES

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. All employees are required to acknowledge in writing the receipt and review of any new General Orders. Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Records Office.

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Emergency Management Plan

202.1 PURPOSE AND SCOPE

In compliance with the State of Colorado Emergency Operations Plan, the City has prepared 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 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.

The Gunnison Police Department will develope emergency operations plans specific to law enforcement situations.

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 Gunnison 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 City plan are available on request through a supervisor. Allemployees should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the plan is implemented.

The department may obtain emergency plans from other organizations and agencies that may have an impact on the City or Department. Copies of these plans will be available on request through a supervisor.

Where practical these plans may be stored electronically and available to employees for review.

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.

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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.

202.6 PLAN TRAINING

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

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Training

203.1 PURPOSE AND SCOPE

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

203.2 POLICY

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

203.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of department members.

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

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

203.4 TRAINING MANAGER

The Captain is appointed as the training manager. The training manager is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Captain should review the training plan annually.

203.5 TRAINING PLAN

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

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

The plan will address all training requirements.

203.5.1 GOVERNMENT-MANDATED TRAINING

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

(a) Federally mandated training:

1. National Incident Management System (NIMS) training as required

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2. Utilization of any property acquired through participation in the Law Enforcement Support Office (LESO) Program (Military 1033 Program) (prior to use and annually thereafter)

(b) State-mandated training:

1. Officers must successfully complete an approved Colorado basic academy pursuant to CRS § 24-31-305 before performing duties of a certified peace officer, as defined by CRS § 16-2.5-102.

   (a) Officers may alternatively obtain a provisional certificate prior to appointment or otherwise meet the training and certification standards within the parameters, extensions, and exceptions set by POST (CRS § 24-31-308; CRS § 30-10-501.6 (1)).

2. DNA evidence collection (CRS § 24-31-311) (once; during academy starting March 1, 2009, Provisional (out-of-state) officers are required to complete within one year)

3. Dog protection training (CRS § 29-5-112)(once within first year of employment)

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

5. Annual completion of any additional training required by POST (CRS § 24-31-319; CRS § 30-10-501.6)

6. Officer-involved shooting and critical incident pre-incident preparation training as required by CRS § 16-2.5-403

7. Mandate in-service training requirements for Colorado peace officers. (CRS § 24-31-315) (implemented through departmental annual training requirements)

(c) Department-mandated training:

1. Emergency Operations Plan (supervisors every two years)

2. CPR/First aid refresher (every two years with current certification)

3. Driving (annually)

4. Firearms training (certified employees annually)

5. Defensive tactics, including Proper Holds and Restraints and De-Escalation (certified employees annually and to meet five year requirement)

6. (CED), impact weapon, chemical weapon, or other kinetic energy weapon (employees with issued devices annually)

7. Use of force policies (annually)

8. Search, seizure, and arrest (annually)

9. Use of body armor (certified employees every two years)

10. Ethics (all certified employees every three years)

11. Anti-Bias training (annually to meet five year requirement)

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12. Community Policing / Community Partnership training (annually to meet five year requirement)
13. Interactions with People with Disabilities (annually to meet five year requirement)

203.6 TRAINING ATTENDANCE

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

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

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

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

203.7 DAILY TRAINING BULLETINS

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

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

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

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

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203.8 ON-LINE TRAINING

Employees may participate in training provided through on-line or remote resources. Training will be requested and documented as any other training.

203.8.1 POLICE ONE

Police One is an on-line subscription service providing general law enforcement related news and training information. The Captain may assign specific training sessions to individual employees, groups or the department. If assigned a training session employees will complete the training within the allotted time frame. The Captain will be notified when training is completed by the employee submitting a training certificate or notifying the Captain by department email.

If not provided on the Police One Certificate the Captain will classify the training as meeting a skills area or general training and assign a training length for record tracking.

203.9 TRAINING RECORDS

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

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Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.2 EMAIL RIGHT OF PRIVACY

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

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

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

204.3 RESTRICTIONS ON USE OF EMAIL

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

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

It is a violation of this policy to transmit a message under another user’s name or email address or to use the password of another to log into the system. Users are required to log off the network 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.

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a record under the Colorado Open Records Act (CRS § 24-72-200.1 et seq.), Colorado Criminal Justice Records Act (CRS § 24-72-301 et

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seq.) or City of Gunnison Policy 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.

204.4.1 ELECTRONIC MAIL ARCHIVAL

All electronic mail sent through a city network system is automatically archived for one year as general communications. All employees are responsible for complying with Colorado Open Records Act, Colorado Criminal Justice Act and City Policy to preserve electronic mail requiring retention greater than one year.

All electronic mail sent through the department records management system is automatically archived for 3 years. All employees are responsible for complying with Colorado Open Records Act, Colorado Criminal Justice Act and City Policy to preserve electronic mail requiring retention greater than three years.

See Records Maintenance and Release Policy for direction on employee archival requirements.

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Administrative Communications

205.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

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

205.3 CORRESPONDENCE
To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. 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.

This includes utilization of the Department or City of Gunnison logo.

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

205.5 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..

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Concealed Handgun Permit

206.1 PURPOSE AND SCOPE

The County Sheriff is given the statutory authority to issue a permit to carry a concealed handgun to residents within the community. This policy will provide for dissemination of information related to such permits (CRS § 18-12-201 and CRS § 18-12-206(4)).

206.2 QUALIFIED APPLICANTS

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

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

(b) Be at least 21 years of age

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

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

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

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

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

(g) Is not subject to:

1. A protection order that is in effect at the time the application is submitted
2. A permanent protection order
3. A temporary protection order that is in effect at the time of the application
4. An extreme risk protection order or a temporary extreme risk protection order

(h) Demonstrates competence with a handgun by submitting:

1. Evidence of experience with a firearm through participation in organized shooting competitions or current military service
2. Evidence that, at the time the application is submitted, the applicant is a certified instructor
3. Proof of an honorable discharge from a branch of the United States armed forces within three years preceding submittal of the application
4. Proof of an honorable discharge from a branch of the United States armed forces that reflects pistol qualifications obtained within the 10 years preceding submittal of the application

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5. A certificate showing retirement from a Colorado law enforcement agency that reflects pistol qualifications obtained within 10 years preceding submittal of the application; or
6. A training certificate from a handgun training class obtained within 10 years preceding submittal of the application

206.3 PERMIT ISSUED IN ANOTHER STATE

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

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

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

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

206.4 SURRENDER OF CONCEALED HANDGUN PERMIT DUE TO EXTREME RISK PROTECTION ORDER

Officer serving any extreme risk protection order pursuant to C.R.S. 13-14.5-108, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession and any concealed carry permit issued to the respondent and conduct any search permitted by law for such firearms or permit.

At the time of surrender or taking custody pursuant to section 16-3-301.5, a law enforcement officer taking possession of a firearm or a concealed carry permit shall issue a receipt identifying all firearms and any permit that have been surrendered or taken custody of and provide a copy of the receipt to the respondent.

The Department will transfer the Concealed Handgun Permit to the County Sheriff’s Office issuing the permit along with a copy of our agency's police report, on the first business day following surrender of permit.

206.4.1 REISSUING PERMIT AFTER A TEMPORARY EXTREME RISK PROTECTION ORDER

If a concealed carry permit issued by a County Sheriff is taken from a permitee as a result of a temporary extreme risk protection order and a court later denies the issuance of an extreme risk protection order, the County Sheriff should reissue the permit within three days of notice of the denial at no charge to the permitee (CRS § 13-14.5-105).

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206.5 CARRYING CONCEALED HANDGUNS IN RESTRICTED AREAS

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

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

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

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

(c) Licensed childcare center, public or private college, university, or seminary in violation of CRS § 18-12-105.5

(d) Government building in violation of CRS § 18-12-105.3

(e) Polling location, drop box, or central count facility in violation of CRS § 1-13-724

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

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Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

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

207.2 POLICY

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

207.3 LEOSA

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

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

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

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

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

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

207.3.1 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 Gunnison 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.

207.3.2 AUTHORIZATION

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

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

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

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

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

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

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

207.4 FORMER OFFICER RESPONSIBILITIES

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

207.4.1 RESPONSIBILITIES UNDER LEOSA

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

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

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

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

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

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

207.5 DENIAL, SUSPENSION OR REVOCATION

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

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

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207.6 FIREARM QUALIFICATIONS

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

207.7 RECORD RETENTION

The Records Office will maintain a file on all retired officers receiving a concealed firearms permit. File will contain a copy of permit issued, identification information for retired officer, all background checks ran and training records. Records will be managed in accordance with the established records retention schedule and in compliance with state law.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

300.2 POLICY

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

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

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The Gunnison 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 INTERVENE 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, intervene 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.

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

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

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

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

300.3.2 USE OF FORCE TO EFFECT AN ARREST

An officer should apply nonviolent means, when possible, and may use physical force only if nonviolent means would be ineffective to effect an arrest, prevent an escape, or prevent an imminent threat of 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).

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

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

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

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

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

(g) Proximity of weapons or dangerous improvised devices.

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

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

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

(k) Training and experience of the officer.

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

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

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

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

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

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

(r) Any other exigent circumstances.

300.3.4 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

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

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

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

300.3.5 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 and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air. It also includes pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries (CRS § 18-1-707).

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300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Gunnison Police Department for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify themself 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 themself or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury.

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

However, an officer should not use deadly force against a person whose actions are a threat solely to themself or property.

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

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes

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

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

300.5 REPORTING THE USE OF FORCE

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

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.

300.5.2 RESPONSE TO RESISTANCE FORM

Officers are required to complete the Response to Resistance Form in every instance where use of force exceeds routine handcuffing. Routine handcuffing for the purposes of this policy is defined as handcuffing of a cooperative individual that does not require any physical control other than the act of handcuffing. Any report in which a response to resistance form is required will be classified Use of Force Review.

(a) Response to Resistance Form and related reports and documents will be reviewed by the initial supervisor receiving the use of force notification. Final review should consist of two sergeants, one instructor for the type of response used, the, Captain and Chief. A supervisor who is also an instructor accomplishes both review requirements.

(b) Review which identify violations of department policy, department procedure or law will be documented and handled per Personnel Complaints policy. Review which identifies

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issues with department policy or department training will be documented, in a memo, and directed to the Chief of Police. A copy of the Response to Resistance Form will be included in each instance.

(c) Retention of the Response to Resistance form is covered by Personnel Records policy.

300.5.3 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 Section 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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor will be notified of any application of force resulting in serious bodily injury or death. The supervisor is expected to:

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

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

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

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

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

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

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

(f) Review and approve all related reports.

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

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

(i) Ensure that any identified relatives or next of kin are notified as soon as practicable.

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

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300.8 TRAINING

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

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

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

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.9 USE OF FORCE ANALYSIS

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

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Gunnison 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 Gunnison 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 REVIEW BOARD

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

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

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

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

301.4.1 COMPOSITION OF THE BOARD

The Chief of Police should select five Use of Force Review Board members from the following, as appropriate:

- Supervisor for the employee involved
- Captain
- A peer officer

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

The senior ranking sworn employee will serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

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

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

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

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Handcuffing and Restraints

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 Gunnison 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 Gunnison Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

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. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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

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 themself, 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, may be used only to restrain a person's hands to ensure officer safety.

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

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

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Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor 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.

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

302.8 REQUIRED DOCUMENTATION

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

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

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

(b) The types of restraint used.

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

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

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

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

302.9 TRAINING

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

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(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.

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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 Gunnison 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 SHIFT SUPERVISOR RESPONSIBILITIES

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

303.4.2 INSTRUCTOR RESPONSIBILITIES

The Instructor 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 Instructor 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.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the instructor for disposition. Damage to City property memos 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 TEAR GAS GUIDELINES

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder.

Currently not authorized or issued.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

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303.8 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).

303.8.1 HEALTH CONSIDERATION IN DEPLOYMENT OF CHEMICAL AGENTS

Prior to use of any chemical agent, which results in respiratory irritation the following shall be considered, prior to use, when the individual is known to have or suspected of having a respiratory illness or disease.

(a) Increased risk to the individual, due to respiratory complications.

(b) Advance notification of EMS and EMS availability.

(c) Increased exposure level, to the officer and public, due to increased coughing and mucus production, as a result of using a chemical agent.

(d) Level of PPE available to the officer and immediate public.

303.9 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.

303.10 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.10.1 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.

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(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.

303.10.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

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

303.10.3 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).

303.10.4 SAFETY PROCEDURES

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

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

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

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

303.11 TRAINING FOR CONTROL DEVICES

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

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

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

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

303.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEDS

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

The CED Instructor shall maintain a record of available and issued CED devices and the serial numbers of cartridges/magazines in the department records system.

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

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

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

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

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

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

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

304.3.1 NON-UNIFORMED OFFICER CONSIDERATIONS

Non-uniformed officers may secure the CED in the driver's compartment or trunk of their department vehicle. When carried in a department vehicle the CED should be placed so as to make it reasonably accessible and protect the CED from damage.

(a) Excessive heat or cold (safe range 104 to -4 degrees fahrenheit) should be a consideration for a CED carried in a vehicle.

Non-uniformed officers may carry the CED concealed on their person. CED will be in a department issued holster or holster approved by the Chief of Police and designed for weak side draw.

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304.3.2 USER RESPONSIBILITIES

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

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

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

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

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 deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

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

304.5.1 APPLICATION OF THE CED

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

(a) Is violent or is physically resisting.

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

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

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The CED shall not be used to psychologically torment, to elicit statements, or to punish any 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 potential 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 known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

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

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

(b) Whether the probes are making proper contact.

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). 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 if the animal reasonably appears to pose an imminent threat to human safety.

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.5.8 UNAUTHORIZED USAGE

No officer shall playfully, maliciously, or intentionally use an CED against another individual unless to gain control in a lawful situation or as part of an authorized training.

304.6 DOCUMENTATION

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

304.6.1 CED REPORT FORM

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

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

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

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

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

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

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

(g) Location of any probe impact.

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

(i) Description of where missed probes went.

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

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Captain should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Captain should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

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

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

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

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

304.6.3 DEVICE DATA DOWNLOAD

Only a CED Instructor or Supervisor, trained to do data downloads, may download any data from an CED.

(a) In the event an CED is used by either an CED Instructor or Supervisor against a person they will not download the date from the CED used. The CED will be turned over to another instructor or supervisor for data collection.

Data will be downloaded for the following reasons and maintained as a department record per retention policy.

(a) Any time the CED is used other than as part of a training exercise. The data report will be added to the incident report, a copy included with the use of force report and a copy added to a maintenance file. Maintenance file will be maintained for one year after CED is taken out of service.

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(b) Prior to the CED being repaired whether in-house or returned to the factory. The data report will be maintained ina maintenance file for one year after CED is taken out of services.

(c) Prior to the unit being taken out of service (sold, destroyed). The data report will be maintained in a maintenance file for one year after CED is taken out of services.

(d) Monthly the data report will be ran and reviewed for training, maintenance and policy compliance by a CED instructor. The data report will be maintained in a maintenance file for one year after CED is taken out of services.

304.6.4 DOCUMENTING USE ON DANGEROUS ANIMALS

The "Dog Protection Act" (C.R.S. 29-5-112) directs law enforcement to train for and adopt policy and procedures for the use of lethal and nonlethal force against dogs.

Use of a CED against a dog or other dangerous animal should be documented as any other use of force including completion of the CED form. When utilizing the Use of Force/CED reporting form for an animal list the animals owner as the victim and describe the animal in the narrative. Further the categories and form may not exactly match the situation so document the necessary information in the form narrative and incident report.

304.7 MEDICAL TREATMENT

Ordinarily, an officer will remove the CED probe(s) once the suspect is in custody. However, when a probe has penetrated sensitive tissue areas (head, face, neck, groin, female breast or other areas identified through training) medical personnel will be summoned to the scene. will make a determination to remove probes or transport the suspect to the hospital. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

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

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

(b) The person may be pregnant.

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

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

(e) The person requests medical treatment.

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

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or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

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 a CED. The device's internal logs should be downloaded by a supervisor or instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

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 assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

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

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

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

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

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

The Captain should include the following training:

(a) A review of this policy.

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

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

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

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

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

(g) De-escalation techniques.

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

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

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

304.10 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity if the CED is deployed and an individual is struck by a probe or device is used in stun mode. If no one is hit by a probe notification may be to the next Sergeant on duty by use of the Use of Force Form.

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Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

The policy of the Gunnison 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.

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. 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 Gunnison Police Department would control the investigation if the suspect's crime occurred in Gunnison.

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.

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 jurisdiction where incident occurs.

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When an officer from this department or any agency is involved, within this jurisdiction, 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. Unless the request is part of a call out for a officer assigned to the 7th Judicial District Officer Involved Use of Force Investigative Team (CIIT).

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 GPD 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 GPD 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 GPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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

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

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

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

The following persons shall be notified as soon as practicable:

- Chief of Police
- Captain
- Seventh Judicial District Review Team (requested by Chief or Captain)
- Coroner (if necessary)
- City Manager (notified by Chief or Captain)

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

1. Involved GPD 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-GPD 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 GPD officer. A licensed psychotherapist may also be provided to any other affected GPD members, upon request.

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

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

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

305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. By MOU with the District Attorney the 7th Judicial District Officer Involved Use of Force Investigative Team (CIIT) will conduct all investogations.

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:

(a) GPD supervisors should not participate directly in any voluntary interview of GPD 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 oran 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.

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

305.6.1 REPORTS BY INVOLVED GPD OFFICERS

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

While the involved GPD 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 GPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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

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

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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 Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

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 the 7th Judicial District Officer Involved Use of Force Investigative Team (CIIT) will be activated to conduct an independent investigation as to the facts and circumstances surrounding the incident, applicable under Colorado Revised Statutes.

Use of the CIIT is to insure a neutral, impartial and through investigation. Conflicts arising between Department Policy and CIIT Policy will be addressed through the assigned CIIT Lead Investigator, the Gunnison Police Department assigned contact, CIIT Assistant and the Chief of Police. The Chief of Police or the authorized designee shall ensure this protocol is posted on the Gunnison 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 GPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Captain 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.

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(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 Captain shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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

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

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.

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305.9 AUDIO AND VIDEO RECORDINGS

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

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

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

305.10 DEBRIEFING

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

305.10.1 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Chief, Captain, Records Office, Communications Office and City Manager in the event of inquiries from the media.

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

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.

305.12 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

(a) If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

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305.13 POST-INCIDENT SERVICES FOR FAMILY

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

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

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

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

305.14 PROTOCOLS FOR RETURN TO DUTY

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

305.14.1 REINTEGRATION

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

(a) Return to the scene of the incident.

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

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

305.14.2 ONGOING SUPPORTIVE MENTAL HEALTH SERVICES

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

305.15 POLICY REVIEW

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

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Firearms

306.1 PURPOSE AND SCOPE

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

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

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

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).

Civilian employees of the department are not authorized to carry firearms while on duty. Except that employees who are charged with the responsibility of maintaining property may handle firearms in accordance with those duties.

306.1.2 ELIGIBLE IMMIGRANTS

An eligible immigrant who has been hired by the Department to enroll in a POST-approved training academy may possess and use a firearm in accordance with this policy at the academy and may transport, store, clean, and maintain a firearm as necessary for purposes of completing such training (CRS § 16-2.5-101).

306.2 POLICY

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

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

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306.3.1 HANDGUNS

The authorized department-issued handgun is the Glock, G45FS. Department issued handguns may be carried on or off-duty. The following additional department owned or personally owned handguns may be approved for uniformed carry, with approval of the Chief of Police:

MAKE	MODEL	CALIBER
Glock	17	9mm
Smith and Wesson	4043	40 cal
Smith and Wesson	4046	40 cal
Sig Sauer	P320	9mm
Springfield	XD	40 cal

In addition to handguns approved for uniform usage the following, departmental or personally owned, handguns may be approved for off-duty, non-uniformed or secondary carry:

MAKE	MODEL	CALIBER
Glock	19	9mm
Glock	36	.45
Glock	45	9mm
Kimber	Solo SLS	9mm
Sig Sauer	P365	9mm
Smith and Wesson	Air Lite	38
Smith and Wesson	Bodyguard	380, 9mm or.40
Smith and Wesson	Shield	9mm,.40 or .45

Personally owned, secondary handguns may include options that will only be authorized as a secondary handgun. In that case the authorization letter will specify that qualification and proficiency training will only be on courses designed for secondary handguns. Authorization will also clearly state that the handgun may only be carried as a secondary weapon.

The following additional, personally owned, handguns are approved only as a secondary handgun:

MAKE	MODEL	CALIBER

306.3.2 SHOTGUNS

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

MAKE	MODEL	CALIBER
Winchester	Defender	12guage

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

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306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Smith and Wesson MP15. The following additional department owned or personally owned patrol rifles may be approved for on-duty use by the Cheif of Police:

MAKE	MODEL	CALIBER
Ruger	Mini-14	223

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

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

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

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

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

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

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

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

306.3.4 PERSONALLY OWNED DUTY OR OFF-DUTY FIREARMS

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

(a) Personally owned handguns, must be manufactured by a recognized company with a sound reputation for manufacturing quality handguns. A list of approved handguns will be established and reviewed by departmental firearms instructors and submitted to the chief of police for approval. Handgun must be capable of firing at a minimum the first shot in a double action function. Bullet caliber should be 9mm, 38,.40 or.45. Maximum barrel length is 4.5 inches. Handgun will hold at a minimum 5 rounds and the officer will have available one additional reload.

(b) 380 caliber and barrel length shorter than 4.5 inched may be authorized for carry when not in uniform.

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

(d) The firearm shall be inspected by the Firearms Instructor or armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

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

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain the information in the department records management system.

(g) Members will provide all holsters, magazine holders, and extra magazines as needed for personally owned firearms. Holsters will conform to the current retention standard issued by the department.

306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry an authorized secondary handgun must receive written approval from the Chief of Police. Officers are subject to the following restrictions:

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

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

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

(d) The handgun shall be inspected by the Firearms Instructor or armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(e) Ammunition shall be department issue.

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

(g) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will maintain the information in the department records management system.

(h) Members will provide all holsters, magazine holders, and extra magazines as needed for personally owned firearms. Holsters will conform to the current retention standard issued by the department.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS CARRY

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) 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.

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(b) It will be the responsibility of the member to submit the firearm to the Firearms Instructoror armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Instructor or armorer.

(c) If a member desires to use more than one firearm for while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

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

306.3.7 AMMUNITION

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

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 armorer.

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 armorer.

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

Installation of aftermarket equipment and accessories or standard parts, which do not require altering of the factory function, frame, or barrel of the firearm, do not need to be done by an approved armorer or gunsmith.

Approval of any modification or repair will be documented in the firearms record.

306.4.2 HOLSTERS

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

306.4.3 TACTICAL LIGHTS

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

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

Departmental issued handguns may be equipped with department issued lights.

Approval, for personally owned firearms, will be documented in the firearms record.

306.4.4 OPTICS OR LASER SIGHTS

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

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

Departmental rifles and speciality weapons may be equipped with department issued optic or lazer sights.

Approval, for personally owned firearms, will be documented in the firearms record.

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 Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Firearms Instructor or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not

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be carried. It shall be promptly presented to the Supervisor or a armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the armorer 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 or into clearing barrels.

Firearms may be unloaded and safely stored in equipment lockers

306.5.2 STORAGE AT HOME AND IN VEHICLES

Members shall ensure that all department firearms and ammunition while in their homes, vehicles or any other area under their control, are stored 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 shall not leave an unsecured firearm unattended in a vehicle. Members should be aware that negligent storage of a firearm could result in civil and criminal 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.

306.5.4 RANGE USAGE

The Gunnison Police Department uses the Gunnison Sportsman's Association Range for live fire training. Limited individual memberships are purchased for officers to utilize the range during department training functions or individually on their own. Limited membership is for the officers use and includes the outdoor rifle and pistol ranges. If, additional usage is desired the officer may individually contact the Sportsman's Association to purchase an increased membership.

During training activities the range is operated as a HOT RANGE. All weapons and magazines are considered loaded at all times. All weapons will be in the officers control or properly stored. Range Rules will be established and presented to officers as part of the FTO training and at annual refresher training.

During training activities, with live ammunition, all officers on the range will wear their protective ballistic vests.

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306.6 FIREARMS TRAINING AND QUALIFICATIONS

New officer will receive firearms training and qualify as part of the FTO program prior to being authorized to carry any firearm.

All members who carry a firearm will receive a minimum of 4 hours of refresher training annually. Members will qualify with all firearms they are authorized to use semi-annually, one January-June and July-December.

At least annually, all members carrying a firearm should receive a minimum of 1 hour practical training designed to simulate field situations including low-light shooting.

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to the firearms instructor and the Captain prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on a scheduled training day, shall be provided remedial training and will be subject to the following requirements:

(a) Officers are authorized three [3] attempts to meet proficiency standards per firearms session.

(b) The firearms instructor running the course of fire will notify the Captain as soon as possible of any officers unable to meet proficiency standards. Upon consulting with the firearms instructor and the officer involved the Captain will make a determination as to remedial training. The Captain in conjunction with the firearms instructor(s) will establish a training plan to address identified issues and concerns. Remedial training is defined as a review of previously trained skills designed to bring an individual up to an acceptable level of performance. Upon completion of remedial training the officer will be given up to three (3) attempts to meet minimum qualification standards.

(c) Remedial training may be scheduled up to three times provided the Captain approves the remedial training after consulting with the firearms instructor(s) and officer. Multiple remedial training sessions should only be scheduled if improvement is observed and a successful outcome is anticipated.

(d) The Captain will also issue a written order removing the effected firearm as an authorized firearm for use by the Officer.

(e) The Captain will also make a determination as to job assignment based on the lack of an authorized firearm.

(f) Inability to consistently and safely demonstrate proficiency with an authorized firearm may be grounds for dismissal.

306.6.2 QUALIFICATION STANDARDS

The department will establish a qualification course to be used for all approved firearms. A separate course should be established for patrol rifles, shotguns, long range rifles, patrol/non-

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uniformed pistol and secondary handguns. Qualification course will be reviewed annually and approved by the Chief of Police.

Minimum qualification score will be pass/fail and based on 100% of all shots in scoring area.

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 a sergeant 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 memo with the sergeant prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written memo shall be submitted no later than the end of the next regularly scheduled shift, unless otherwise directed by a sergeant.

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. Officers should follow their training to identify animal behaviors that may reasonably put local law enforcement officers or other individuals in imminent danger, in addition to animal behaviors that do not reasonably suggest or pose an imminent danger.

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

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

306.7.2 INJURED ANIMALS

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

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Injured wildlife may be euthanized whenever the officer determines that no other reasonable action would be practical, humane or effective for the rehabilitation of the wildlife (2 CCR 406-14:1405).

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

Warning shots should not be used.

306.7.4 NEGLIGENT DISCHARGE
If firearm discharge is the result of negligence, the involved officer shall undergo remedial firearms training and qualification as determined by the Firearms Instructor or Chief of Police.

306.8 FIREARMS INSTRUCTOR DUTIES

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

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

The Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Firearms Instructor 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 Firearms Instructor.

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

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

(a) Records pertaining to firearms issue/ownership, maintenance and repair will be kept in the department records management system (RMS). Written documents not added electronically to RMS will be provided to records office for filing with equipment records.

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(b) Training records pertaining to courses of fire, attendance and individual completion will be provided to records for filing and recording in RMS

(c) Firearms instructors may maintain copies of above for personal use as deemed necessary.

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):

(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 Gunnison 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 Gunnison Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Gunnison Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

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 Gunnison Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

306.10 TRAINING

In addition to general training regarding the use of firearms, the Captain 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.

306.10.1 ADDITIONAL REQUIREMENTS

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

306.12 CARRYING FIREARMS WHERE RESTRICTED

State and Federal law provide exceptions and direction for sworn police officers carrying firearms on and off-duty and in attendance at public and private events on public and private property. However, certain venues or businesses may impose additional requests of officers who are armed to help increase the safety of the officer and others in attendance.

(a) Officers will carry his/her department identification card and badge at all times when armed.

(b) Officers should comply with all lawful requests to identify themselves when asked.

(c) Officers who do not feel a request is lawful should leave the venue or business and notify a Supervisor.

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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

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

307.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

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

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

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

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

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

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

307.2 POLICY

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

307.3 OFFICER RESPONSIBILITIES

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

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

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

(b) Exceed the speed limit (CRS § 42-4-108(2)(c)).

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

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others (CRS § 42-4-108).

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

(i) Vehicle speeds.

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(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) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle .

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered when deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

307.3.3 PURSUITS PROHIBITED

Vehicle pursuits present a serious risk to the public, officers and fleeing individuals. Unless circumstances known to the officer(s) involved in the pursuit justify the risk pursuits will not be allowed for:

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(a) Traffic violations, to include infractions.

(b) Petty Crimes.

(c) Misdemeanor crimes.

(d) Municipal Violations.

(e) Felony property crimes.

(f) Vehicles that elude for unknown reasons.

Pursuit of bicycles, motorized bicycles and motorized toy vehicles present a high likelihood of injury to the fleeing offender and are not allowed. Unless circumstances known to the officer would cause a concern for community safety, if the offender was not aprehended.

307.4 PURSUIT UNITS

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

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

An officer or shift supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

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

The primary unit should notify the dispatcher, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) The location, direction of travel and estimated speed of the suspect’s vehicle.

(b) The description of the suspect’s vehicle including the license plate number, if known.

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(c) The reason for the pursuit.

(d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.

(e) The number of occupants and identity or description.

(f) The weather, road and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

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

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary unit is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing officer is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing officer once the subject has been stopped.

307.5 PURSUIT DRIVING

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

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2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) Notify the Colorado State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(d) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

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

307.5.2 AIR SUPPORT ASSISTANCE

The Gunnison Police Department does not operate or have available aircraft. However, state and federal agencies do conduct flight operations in the Gunnison area. Should a flight be in the area assistance could be requested provided radio communications is available.

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved shift supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

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

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

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

The shift supervisor will be responsible for:

(a) Immediately notifying involved officers and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(i) Controlling and managing Gunnison Police Department officers when a pursuit enters another jurisdiction.

(j) Preparing a post-pursuit review and documentation of the pursuit as required.

Shift supervisor, if not a Sergeant, will notify a Sergeant at the earliest oppotunity. Depending on status of the pursuit the Sergeant may provide direction or respond assuming control as appropriate. The Sergeant will be responsible for notifying the Captain and/or Chief of all pursuits entering another jurisdiction, resulting in property damage or injury.

307.7 THE COMMUNICATIONS CENTER

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

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307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of nonemergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a shift supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Shift Supervisor as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

307.8 LOSS OF PURSUED VEHICLE

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

307.9 INTERJURISDICTIONAL CONSIDERATIONS

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

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

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join or assume the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another

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agency's assistance may mean that its personnel will assume responsibility for the pursuit. Responsibilty to transfer a persuit is based on the other agency's request and/or agreement to assume responsibility. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency may relinquish control.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

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

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

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

307.9.3 OTHER CONSIDERATIONS

Assistance to an outside pursuing agency by officers from this department shall be provided in accordance with any agreements or memorandums of understanding in place that address vehicle pursuit assistance.

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307.10 PURSUIT INTERVENTION

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

307.10.1 WHEN USE IS AUTHORIZED

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

307.10.2 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.

307.10.3 INTERVENTION STANDARDS

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

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.
5. Only law enforcement vehicles should be used in this tactic.

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(b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

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

(d) Boxing-in a suspect vehicle should only be attempted upon approval by a sergeant. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and sergeant should weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices should be deployed by officers trained in their use, only after notification to pursuing officers and the shift supervisor of the intent and location of the intended deployment, and in a manner that:

1. Should reasonably only affect the pursued vehicle.
2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a sergeant. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

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307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers 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.

Unless relieved by a shift supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing officer shall complete appropriate incident reports.

(b) The primary pursuing officer and shift supervisor shall each complete a prursuit memo which will be provided to the Captain.

(c) Memorandum should include, at a minimum:

1. Date and time of the pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
    (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.
11. 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 Captain shall conduct a post-pursuit review, as appropriate.

(e) Documentation on all pursuits will be provided to the Chief; at the conclusion of the review, complete with findings and recommendation, if any.

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(f) 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.

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

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

307.14 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

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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 so dispatched or when responding to circumstances the officer reasonably believes involves the potential for immediate danger to persons or property. Examples of such circumstances may include:

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

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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
- The number of units required

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

308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. Theshift 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 shall immediately notify the Communications Center. During an emergency response officers should advise Communications of their location so that other officers can anticipate the routes to be used and avoid collisions. Officers shall remain aware of other responding uniits and use caution when entering intersections.

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 and siren at the legal speed limit. In such an event, the officer should immediately notify the

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Communications Center. An officer shall also discontinue an emergency response when directed by a shift supervisor or as otherwise appropriate.

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

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

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

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

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

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

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(e) Control all radio communication during the emergency and coordinate assistance under the direction of thesupervisor.

308.7 SHIFT SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the shift 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 shift 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 shift supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the shift supervisor may do so.

It is the shift 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 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 shift supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

309.1 PURPOSE AND SCOPE

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

309.2 POLICY

It is the policy of the Gunnison Police Department to insure that the handler and canine meet and maintain an appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives as established by department policy, and allowed by applicable state and federal law.

309.3 ASSIGNMENT

The Canine Officer will be in the call rotation and available for calls for service as well as unassigned patrol focusing on traffic enforcement and community interaction. While performing in a patrol function the canine Officer will be under the direction of the Shift Supervisor.

Canine officer as outlined further in this policy will participate in community events, educational opportunities, and assist other agencies as scheduled or approved by the Captain.

309.4 CANINE COORDINATOR

The Captain is appointed, as the canine coordinator.

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

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

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

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

(d) Maintaining accurate records to document canine activities.

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

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

(f) Scheduling all canine-related activities.

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

309.5 REQUESTS FOR CANINE TEAMS

Department members are encouraged to request the use of a canine, when on duty and the situation is appropriate for a canine use. Requests for a canine team when the canine is off duty shall be reviewed by the Shift Supervisor and approved by the Captain.

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309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor, when the canine is on duty to insure proper coverage in town, as well as all requests must be approved by the Captain and are subject to the following:

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

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

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

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

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

309.5.2 PUBLIC DEMONSTRATION

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

309.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of causing serious bodily injury or death to an individual, any officer, or the handler.

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

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

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

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

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances

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that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

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

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

309.6.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

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

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

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

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

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

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

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

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

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should

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be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

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

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

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

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

309.7 NON-APPREHENSION GUIDELINES

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

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

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

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

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

309.7.1 ARTICLE DETECTION

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

309.7.2 NARCOTICS DETECTION

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

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

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

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

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

309.7.3 BOMB/EXPLOSIVE DETECTION

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

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

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

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

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

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

309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence.

(c) Living within 30 minutes travel time from the Gunnison City limits.

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

309.9 HANDLER RESPONSIBILITIES

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

The canine handler will be responsible for the following:

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

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

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

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

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

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

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

(h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator.

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

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

309.9.1 CANINE IN PUBLIC AREAS

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

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

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

309.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA),. Canine handler will be compensated 30 minutes per day for general care and feeding which will be documented on employees payroll form. Actual time necessary for veterinarian visits and training will be documented on employee payroll form. Extra hours dedicated to canine care and training are calculated with other hours worked and calculated according to policy.

309.11 CANINE INJURY AND MEDICAL CARE

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

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

309.12 TRAINING

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

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

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

309.12.1 CONTINUED TRAINING

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

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

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

309.12.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

309.12.3 TRAINING RECORDS

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

Department training files will consist of training certifications, logs documenting hours and type of ongoing training, competitions, and appropriate documentation that would support a curriculum vitae.

309.12.4 TRAINING AIDS

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

309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

309.12.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to being turned over to the canine officer for training storage. Testing is by a certified lab either prior to release to the department or as part of a criminal case.

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

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

(d) All controlled substance training samples will be inspected, and weighed quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator in the department file.

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

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

(g) Any unusable controlled substance training samples shall be returned to the dispensing agency, when required. If not returned to a dispensing agency or obtained from evidence conversion the training substance will be turned into the Property Office for destruction.

309.12.7 EXPLOSIVE TRAINING AIDS

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

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

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

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

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

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

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

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

310.1 PURPOSE AND SCOPE

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

310.1.1 DEFINITIONS

Definitions related to this policy include:

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

310.2 POLICY

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

310.3 OFFICER SAFETY

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

310.4 INVESTIGATIONS

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

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

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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(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 Investigations 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.

(k) Provide the victim with a Victim Rights pamphlet per C.R.S. 24-4.1-301. Officers should determine if the victim would like to speak with a law enforcement victim advocate at the time of report and make the appropriate notifications if requested. If the victim does not wish to speak with an advocate at the time of report information should be forwarded to the law enforcement advocate for follow-up.

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310.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

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

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

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

310.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

310.4.3 INVESTIGATIVE NOTIFICATIONS/REQUESTS
Investigating officer is responsible for requesting copies of all communications recordings and incident logs to be added to case file.

Investigating officer is responsible for completing the 7th Judicial District Domestic Violence Report Form and Case Summary.

Investigating officer is responsible for notification of Gunnison County Social Services, if any minor children are present in the household.

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

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

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

(c) Officers should offer law enforcement victim advocate services on-scene and contact the advocate when requested. If the victim does not wish to speak with an advocate ensure that victims have contact information 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.

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

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

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

310.6 DISPATCH ASSISTANCE

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

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

310.7 FOREIGN COURT ORDERS

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

310.8 VERIFICATION OF COURT ORDERS

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

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

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

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

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

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

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310.8.1 VERIFICATION OF TRIBAL PROTECTION ORDERS

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

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

310.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(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) in determining the primary aggressor:

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

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

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

310.9.2 REPORTS AND RECORDS

The Records Manager will maintain records on the number of domestic violence-related calls reported to the Gunnison 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 Gunnison 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

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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 Gunnison 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).

310.9.3 SERVICE OF COURT ORDERS

Officers responding to a domestic violence call who encounter a person named in a court order that has not been otherwise served shall serve the person with a copy of the order (CRS § 13-14-107). If, a copy of the order is not available the officer will verbally advise the person of the existence of the court order and notify the person how to obtain a copy. The officer will also notify the Gunnison County Sheriff's Office where the person may be located for service.

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Search and Seizure

311.1 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 Gunnison Police Department personnel to consider when dealing with search and seizure issues.

This policy should be used in conjunction with Section 6 Investigative Operaions, Warrant Services.

311.2 POLICY

It is the policy of the Gunnison 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.

311.3 SEARCHES

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

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

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

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

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

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

311.3.1 CONSENT SEARCH

Consent searches - an officer may conduct a search without a warrant if the officer receives prior voluntary consent from a person who reasonably appears to have authority to grant consent. Note: Consent searches are often subject to question after the fact.

(a) In major cases, if the officer has sufficient probable cause to get a search warrant, it is preferable to search with a warrant rather than consent.

(b) Consent should be in writing. If not possible, a verbal consent may fulfill legal requirements. If verbal consent is given, the officer should try to have another officer or another person witness the consent.

(c) The person who gives consent may limit consent to specific items, areas, or times. Consent may be given to include home, property, person or vehicle.

(d) Limitations to consent search:

1. The consent is invalid if given in the presence or a person who objects to the search and who has a higher priority in the property (for example, a subject consents to a search of a residence, even though a roommate is present and objects to the search).

2. A person may withdraw consent at any time. In that event, the officer must immediately stop searching. A search warrant may be needed to continue the search, but the search warrant application can include information on items seized before consent was withdrawn. Exception: Consent search of a vehicle may continue after consent has been withdrawn if probable cause has been established.

311.3.2 SEARCH INCIDENT TO ARREST

An officer is permitted to conduct a search subsequent to a lawful, custodial arrest to:

(a) Collect and preserve evidence.

(b) Protect the safety of the arresting officer and others.

(c) Prevent escape.

(d) Prevent weapons and contraband from entering a custodial facility.

(e) Application:

1. The search incident to arrest is limited to the person, the persons clothing, and the area and articles within the persons immediate reach (including a purse or wallet).

2. The area within the persons reach is defined at the time of arrest and not at the time of search. The officer should conduct the search immediately at the arrest location with the arrested person present, if possible. The officer may not make the arrest, transport the arrested person, and then return to the arrest location to conduct a search incident to arrest.

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3. The officer may also conduct a search incident to arrest at the place of detention after prompt transportation of the arrested person.

(f) Related issues:

1. If the officer reasonably believes, based on specific and articulable facts, that there is an individual present who poses a danger to persons at the arrest location, the officer may conduct a limited protective sweep of the premises incident to an arrest.

311.3.3 VEHICLE SEARCHES

Motor vehicle searches - an officer may stop and search a vehicle without a warrant if:

(a) There is probable cause to believe that evidence of a crime is in the vehicle, AND

(b) The vehicle is capable of being moved.

(c) The officer may conduct a search whether or not an arrest has been made. The officer may search any part of the vehicle in which items sought might reasonably be found.

(d) Limitations to searching motor vehicles incident to lawful arrest.

1. Vehicles may not be searched incident to lawful arrest for crimes that have no evidence (for example, most traffic offenses).

2. Officers may search a vehicle incident to an occupant's lawful arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest.

3. When a motor vehicle occupant is taken into full custodial arrest, the officer may only search the vehicle passenger compartment, incident to arrest, and prior to transporting the arrested person. The search may include the glove box, receptacles, luggage, clothing, or other closed containers.

311.3.4 EXIGENT CIRCUMSTANCES

An officer is permitted to search and arrest without a warrant in certain exigent circumstances.

(a) Hot pursuit of a suspect. This should only be used to justify warrantless entry in connection with felonies and serious misdemeanors. Hot pursuit means that the officer is in continuous and uninterrupted pursuit (not necessarily continuous visual contact). The officer should not unnecessarily delay conducting the search.

(b) Immediate crisis in which police assistance would probably be helpful. Examples are medical emergencies, suicides, drug or alcohol overdoses. An officer responding to such calls may search for the immediate cause of the crisis (drug, medicine vials).

(c) To prevent the immediate destruction of evidence. The officer must have articulable facts to suspect that the evidence is about to be destroyed or disposed of. The presence of drugs does not automatically justify warrantless searches.

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An officer will not try to create exigent circumstances through an action or lack of action (for example, delay obtaining a search warrant then wait until the officer can chase a drug suspect into the suspects residence).

311.3.5 PLAIN VIEW SEARCH

An officer who is lawfully on a premise may make a plain view seizure of property if it is immediately apparent to the officer that the property constitutes criminal evidence.

(a) Limitations to plain view searches

1. The exception does not apply if the item must be moved or examined more closely. A search warrant is required to move or closely inspect an item.
2. Except in exigent circumstances or in motor vehicles, plain view observation of evidence does not justify an officers warrantless entry into a constitutionally protected area to seize the item.

311.3.6 INVENTORY SEARCH

An officer may conduct an inventory search on vehicles that have been towed at the direction of an officer. This search warrant exception is not to be used in lieu of obtaining a search warrant where applicable.

311.4 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.

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311.5 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

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

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Temporary Custody of Juveniles

312.1 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 Gunnison Police Department (34 USC § 11133).

312.1.1 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.

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

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

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

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

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

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

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

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

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

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

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

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

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

(e) Extremely violent or continuously violent behavior.

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

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

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

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Gunnison 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 Gunnison Police Department without authorization of the arresting officer's supervisor or the Shift 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 Gunnison Police Department, without approval of the Chief of Police or Captain, in his absence. (34 USC § 11133).

312.4.1 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 Gunnison 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).

312.4.2 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).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

312.4.4 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.

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(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).

Preferred alternative to taking a juvenile offender to a detention facility or shelter, an officer may, 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).

312.4.5 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 Gunnison 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).

312.5 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).

312.5.1 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.

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(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 Gunnison 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 Gunnison Police Department.

312.6 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 Gunnison 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.

312.7 TEMPORARY CUSTODY REQUIREMENTS

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

(a) The Shift Supervisor is notified if it is anticipated that a juvenile may need to remain at the Gunnison Police Department more than four hours. This will enable the Shift Supervisor to ensure no juvenile is held at the Gunnison 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.

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(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.

312.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Gunnison 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 Shift 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.

312.8.1 PREGNANT JUVENILES

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

312.9 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).

312.10 SECURE CUSTODY

The Gunnison Police Department is not approved as a secure holding facility. As such officers are not authorized to perform secure custody holds with-in the police department building.

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312.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Patrol Section Section Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Gunnison 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, Shift Supervisor, Chief of Police, and Investigation Section Supervisor.

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the Coroner.

(g) Notification of the juvenile court.

(h) Evidence preservation.

312.12 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.

312.12.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of a juvenile who is in custody shall be audio and video recorded in accordance with CRS § 16-3-601 when the interview takes place at any Gunnison Police Department facility, jail, or other permanent detention facility (CRS § 19-2.5-203).

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312.12.2 UNTRUTHFUL COMMUNICATIONS TO JUVENILES
Officers should not knowingly communicate untruthful information or beliefs to a juvenile during a custodial interrogation in order to obtain a statement or admission (CRS § 19-2.5-203).

312.13 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)

312.14 RELIGIOUS ACCOMMODATION

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

312.15 VISITATION

Juveniles who are in temporary custody in the facility will be allowed initial visits at any time by the parents, guardians and/or attorneys. Subsequent visits shall be as unrestrictive as reasonably practicable.

312.16 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

312.17 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

313.1 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 Gunnison Police Department members as required by law.

313.1.1 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.

313.2 POLICY

The Gunnison Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Gunnison 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).

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).

313.3.1 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.

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(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.

313.4 QUALIFIED INVESTIGATORS

All sworn officers are available to investigate cases of adult abuse. As with any investigation the officer should consult with a supervisor or a detective based on the specific investigation. 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).

313.4.1 DEPARTMENT SOCIAL SERVICES REVIEW BOARD

The Gunnison Police Department will participate in a review board established by the department of social services (CRS § 26-3.1-103). Assignment to the board will be made by the Chief of Police.

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

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(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.

313.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered the county department of human or social services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

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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.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, his/her guardian, or the agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, or agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 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.

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313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations supervisor should:

(a) Work with professionals from the appropriate agencies, including the county department of human or social services, other law enforcement agencies, medical service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

(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.

313.9.2 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 supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

313.10.1 RECORDS SECTION RESPONSIBILITIES

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

(a) Providing a copy of the adult abuse report to social services as required by law.

(b) Retaining the original adult abuse report with the initial case file.

313.10.2 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).

313.11 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.

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(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

313.12 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

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Discriminatory Harassment

314.1 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.

314.2 POLICY

The Gunnison 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.

Harassment is addressed in City of Gunnison Policy and applies to members of the Gunnison Police Department. Should conflicts arise between either policy the City Policy will be followed.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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314.3.2 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.

314.3.3 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.

314.3.4 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.

314.3.5 SUPERVISOR DEFINED

Supervisor as used in this policy refers to employees having a permanent or formal assignment that places them in a supervisory role over other employees. Does not apply to employees filling a temporary or informal supervisory role.

314.4 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

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and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Director, 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 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.

314.4.1 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 Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

314.4.3 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.):

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(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.

314.4.4 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 Personnel Director, or the City Manager for further information, direction, or clarification.

314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

314.5.1 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.

314.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

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

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Director, or the City Manager.

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314.5.3 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.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police (CRS § 24-34-408).

The outcome of all reports shall be:

- Approved by the Chief of Police or the authorized designee, the City Manager, or the Personnel Director, depending on the ranks of the involved parties.
- Maintained for a minimum or five years and in accordance with the established records retention schedule (CRS § 24-34-408).

314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

Disclosure of any confidential personnel actions, such as discipline, shall not be released.

314.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

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Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Gunnison Police Department members are required to notify the county department of human or social services of suspected child abuse.

315.1.1 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).

315.2 POLICY

The Gunnison 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.

315.3 MANDATORY NOTIFICATION

Members of the Gunnison Police Department shall notify the county department of human or social services when (CRS § 19-1-103; CRS § 19-3-308):

(a) They receive a report of a known or suspected incident of interfamilial abuse or neglect.

(b) They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.

(c) They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.

(d) They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

Officers shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural communities, in determining abuse. Abuse does not include a reasonable exercise of parental

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discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

315.3.1 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. Any evidence of known domestic violence or intimate partner violence in the child's home, including any evidence of previous cases of known domestic or intimate partner violence in the child's home.
4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
5. The family composition.
6. The source of the report and the name, address, and occupation of the person making the report.
7. Any action taken by the reporting source.
8. Any other information that the person making the report believes may be helpful.
9. 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 the officer's 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 their official capacity as an employee of the school district (CRS § 19-3-308).

315.4 QUALIFIED INVESTIGATORS

The Department has trained investigators available for child abuse investigations. When available they should be utilized. If, unavailable any officer may obtain basic information necessary to provide for the victims safety, care or emergency needs. Trained investigators should consider the following:

(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.

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(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.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

315.5 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

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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).

315.6 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.

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315.6.1 COURT ORDERS

Unless already being addressed by the county department of human or social services, an officer should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the officer (CRS § 19-3-405):

(a) Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for 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.

315.6.2 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.

315.6.3 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.

315.7 INTERVIEWS

315.7.1 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.

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315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

315.8 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.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations 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 Investigations Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

315.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

315.10.1 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).

315.10.2 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)).

315.10.3 SERVICE OF PROTECTION ORDER

Officers responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall serve the restrained person with a copy of the order (CRS § 19-1-104).

315.10.4 MUTUAL AID AGREEMENT

Mutual aid agreement between Gunnison County Health and Human Service and local law enforcement:

See attachment: 2023 -2026 DHHS and LE MOU.pdf

315.11 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.

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(e) Cultural competence (including interpretive services) related to child abuse investigations.

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

315.12 DEPARTMENT REPRESENTATION IN REVIEW BOARDS

The Gunnison Police Department will participate in review teams pursuant to state statute.

(a) An Officer may be appointed to the local child fatality prevention review team. (CRS § 25-20.5-404)

(b) An Officer and a Law Enforcement Advocate may be appointed to the local child protection team. (CRS § 19-3-308(6))

(c) An Officer may be appointed to the 7th Judicial District Juvenile Planning Board, Senate Bill 94

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Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who have dementia or related disability (as defined in CRS § 25-1-502), who have a verified developmental disability, or who are 60 years of age or older and have a verified impaired mental condition, whose whereabouts are unknown, and whose disappearance poses a credible threat to the safety and health of the person (CRS § 24-33.5-415.8). This term also includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

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

(c) Are children under the legal custody of the Colorado Department of Human Services or a county department of human or social services (CRS § 19-1-115.3).

(d) Are Indigenous persons, regardless of whether the person is an adult or child (CRS § 16-2.7-103; CRS § 24-33.5-431).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes persons whose safety or welfare is the subject of concern (CRS § 16-2.7-101(2)).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations.

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This includes the National Crime Information Center (NCIC), the Colorado Crime Information Center (CCIC), and the Colorado Bureau of Investigation (CBI).

316.2 POLICY

The Gunnison 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 Gunnison 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.

316.3 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A information 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. Officer taking an informational report should facilitate the reporting party making contact with the appropriate law enforcement agency and document any attempts at transferring the initial report. A written report will be forwarded for the jurisdictional agencies information and use. Officers are limited on notifications and investigations they may conduct for persons not missing from our jurisdiction.

316.4 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 18 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

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.

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(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier (CRS § 18-9-312).

1. If the officer has probable cause to believe the missing person is at risk of death or serious bodily injury, a supervisor should be notified and should determine whether to order the telecommunication provider to disclose the missing person's location information without a court order.
2. The supervisor shall ensure that a court order is obtained within 48 hours of the initial request for the location information.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.5 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.

316.5.1 SUPERVISOR RESPONSIBILITIES

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

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

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316.5.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations.

(e) Coordinating with the NCIC Terminal Contractor for Colorado to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.6 INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, as applicable, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child’s student file, along with the investigator’s contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(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.

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(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).

316.7 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.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.7.1 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.

316.8 CASE CLOSURE

The Investigations supervisor may authorize the closure of a missing person case after considering the following:

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(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 Gunnison 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.

316.9 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

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(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

316.10 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity when the situation involves a juvenile, an at risk adult or requires an Alert to be issued. Notification in other instances will be made when the next ranking officer comes on duty.

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Public Alerts

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Gunnison Police Department should notify their supervisor, Shift Supervisor or Investigations Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the Captain and other staff as needed when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Section Supervisor

317.4 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.

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).

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317.4.1 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.

317.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

(a) The Public Information Officer, Shift Supervisor or Investigations Supervisor will prepare an initial press release that includes all available information that might aid in locating the child, such as:

1. The child’s identity, age and description.
2. Photograph if available.
3. The suspect’s identity, age and description, if known.
4. Pertinent vehicle description.
5. Details regarding time of the abduction, location of incident, direction of travel, potential destinations, if known.
6. Whether there is reason to believe the suspect has a relationship to the victim.
7. Name and telephone number of the Public Information Officer or other authorized individual to handle the media.
8. Telephone number of the Colorado Bureau of Investigation to call for further information.
9. A telephone number for the public to call with leads or information.

(b) The Public Information Officer, Shift Supervisor or Investigations Supervisor will notify the Colorado Bureau of Investigation. After the information is checked, an AMBER Alert will be issued and the Colorado statewide EAS will be activated.

(c) Fax the press release to the local television and radio stations.

(d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Colorado State Patrol
2. FBI local office
3. Prompt entry of information into the U.S. Department of Justice Missing Person System/National Crime Information Center (NCIC)
4. National Center for Missing and Exploited Children (NCMEC) (800-843-5678)

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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.

317.5 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).

317.5.1 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).

317.5.2 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.

317.6 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.

317.6.1 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.

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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).

317.6.2 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).

317.7 MEDINA ALERTS

Medina Alerts are for those instances where a driver of a vehicle has killed or inflicted a serious bodily injury on a person in a hit-and-run accident. The Medina Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-416.7).

317.7.1 CRITERIA

Medina Alerts apply when (CRS § 24-33.5-416.7):

(a) A person has been killed or suffered serious bodily injury as the result of a hit-and-run accident.

(b) There is additional information concerning the suspect or suspect's vehicle, including one of the following:

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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.

317.7.2 PROCEDURE
A supervisor, after confirming that the criteria for a Medina Alert have been met, may notify the Colorado Bureau of Investigation and request a Medina Alert broadcast (8 CCR 1507-33).

317.8 MISSING INDIGENOUS PERSON ALERTS
Missing Indigenous Person Alerts aid in the safe recovery of missing Indigenous persons. The Missing Indigenous Person Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies, federally recognized tribes, any governmental agency that may be involved in the search and recovery of a missing persons, and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-431).

317.8.1 CRITERIA
The Department may request a Missing Indigenous Person Alert be activated when (8 CCR 1507-36):

(a) There is a reasonable belief that missing person is an Indigenous person.
(b) The person went missing while in Colorado.
(c) The person has been entered as a missing person into the CCIC/NCIC system by the Department.

"Indigenous" means having descended from people who were living in North America prior to the time people from Europe began settling in North America, being an enrolled member of a federally recognized Indian tribe, or being a lineal descendant of a tribally enrolled parent or guardian (CRS § 24-33.5-2601).

317.8.2 PROCEDURE
A supervisor, after confirming that the criteria for a Missing Indigenous Person Alert have been met, may notify the Colorado Bureau of Investigation and request a Missing Indigenous Person Alert Broadcast (8 CCR 1507-36).

317.9 ON-DUTY SUPERVISORY SUCCESSION
References in the above policy to Supervisory role will be filled in accordance with Department Policy.Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

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Victim and Witness Assistance

318.1 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.

318.2 POLICY

The Gunnison Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Gunnison Police Department shall treat all victims of crime with fairness, respect and dignity in all cases showing compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 OFFICER RESPONSIBILITIES

(a) Provide to all victims of a VRA crime a Victim Rights Act brochure and offer victim advocate support on-scene.

1. Officers dealing with a VRA crime shall notify the Victim Advocate, on call, as soon as possible and ascertain if they will respond to the scene or make arrangements with the victim to follow-up at a later time.

2. Officers will remain at the scene with a Victim Advocate unless they agree the situation is safe. Communications will be advised, when a Victim Advocate remains on scene and the Victim Advocate will advise Communications when they leave the scene.

(b) Officer should update victims of crimes within 30 days of the status of any open case. Thereafter the victim will be kept advised of case status changes. In addition, the officer will provide an annual status update on all open cases.

(c) Officer will notify the victim of any misdemeanor crime or non-VRA felony crime of any final decision by the officer or district attorney's office not to file criminal charges.

(d) Officers who determine that a victim's property is no longer needed as evidence should arrange for the release of the property by notifying the victim, the victim advocate or the property custodian. Upon request of the victim property should be released within five working days unless the property is contraband or subject to forfeiture proceedings. (C.R.S. 24-4.1-303)

(e) For VRA crime, officers should communicate with the victim advocate concerning any case status changes and changes in victim information.

(f) Victim will be notified at the officers earliest opportunity of any status change in an active case resulting in charges to a defendant. If the crime involved is a VRA crime and the suspect is placed in custody, the officer will complete the necessary process to have the victim notified if the defendant is released from custody or custody status is changed.(C.R.S. 24-4.1-302.5)

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(g) 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.

(h) 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.

(i) Officer will document all contacts with or attempts to contact a victim for the purpose answering their inquiries, providing case status updates, or providing or receiving information.

318.4 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)).

318.5 GUNNISON COUNTY LAW ENFORCEMENT VICTIM ADVOCATE PROGRAM

The Gunnison County Law Enforcement Victim Advocate Program is established to provide Law Enforcement Victim Advocate Services for Gunnison County as a cooperative effort between the Gunnison Police Department, Gunnison Sheriff's Department, Crested Butte Marshals Office and Mt Crested Butte Police Department. The program is administered under the Gunnison Police Department with direct supervision provided by the Chief of Police and agency heads for the four agencies comprising an advisory board.

318.5.1 LAW ENFORCEMENT VICTIM ADVOCATE DUTIES

The law enforcement victim advocate should:

(a) Assist the department in providing victims and witnesses the rights described in CRS § 24-4.1-302.5.

(b) Assist the department in implementing procedures described in CRS § 24-4.1-303.

(c) Assist the department in providing child victims and child witnesses appropriate services commensurate with their age and needs (CRS § 24-4.1-304).

(d) Provide assistance or direction on obtaining reports when requested by individuals identified by statute. The Records Maintenance and Release Policy in this manual regarding the release of reports shall be followed in all cases.

(e) Review of all law enforcement reports generated by the participating agencies to identify possible victims meeting notifications requirements of the Colorado Victims Right Act.

(f) Take direct referrals from law enforcement agencies and other sources of potential victims, refer initial notification to the responsible agency, and follow-up with victim and agency.

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(g) Provide written information concerning victim rights and available resources to identified victims.

(h) Maintain contact with crime victims to address any concerns and provide referrals to resource available in Gunnison.

(i) Respond to crime scenes and provide crisis intervention and emotional support to victim while officers attend to “scene of the crime assignments”, including assistance with immediate needs when applicable, (i.e., shelter, clothing, telephone assistance, transportation.)

(j) Provides assistance as needed to officers on scene, at the officer's discretion.

(k) Keeps victims informed about the status of their case, including jail release or court tracking information.

(l) Provide assistance with death and injury notifications, family support and referral services.

(m) Coordinate an area law enforcement training annually to address legal changes relevant to the Colorado Victim’s Rights Act.

(n) Coordinate with community based victim advocates, social groups, medical and government agencies to provide training, information sharing and support for victims in Gunnison County.

(o) Provide advocate services as needed for other law enforcement agencies in Gunnison County and victims from other jurisdictions that may reside in Gunnison County.

(p) Accompany victims to court and support victims when they have been subpoenaed to testify in court.

(q) Provide written and/or Quality Assurance Surveys to crime victims to allow the victim the opportunity to provide feedback in regards to services provided by the victim advocate program.

(r) Advocate will maintain victim contact/referral information necessary to complete grant reporting and actions taken with victims. Information will be released through the agency having jurisdiction when legally required to release information.

318.7 DEPARTMENT FUNCTIONS

Members and sections within the police department will comply with C.R.S. 24-4.1-302.5, Rights afforded to victims - definitions, as it applies to the Gunnison Police Department. Further procedural and practical steps will be made to comply with C.R.S. 24-4.1-303, Procedures for ensuring rights of victims of crime, and 24-4.1-304, Child victim or witness - rights and services.

318.7.1 UTILIZATION OF VINE AND ARREST WATCH

These programs are made available for use of the police department in providing automated victim notification and tracking of wanted individuals by the State of Colorado. The police department will participate in utilization of both programs.

(a) The Law Enforcement Victim Advocate will be the primary contact for the VINE program and track registration of individuals in the system.

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(b) The Captain will be the primary contact for the Arrest Watch System. All individuals with an active arrest warrant meeting the system guidelines will be entered.

318.8 VICTIM INFORMATION

The victim advocate 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.

(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

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object to destruction of the evidence, and to be informed of any change in status of the case (CRS § 24-4.1-302.5).

318.9 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.

318.9.1 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).

318.10 WITNESS INFORMATION

The Law Enforcement Advocate 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).

318.11 NOTIFICATION OF NEXT OF KIN

In the event of a serious illness, serious bodily injury or death, the officer 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, victim advocate or another suitable person. Notification should be made in a courteous manner as soon as practicable following positive identification of the victim.

Officers may perform notifications at the request of other agencies for next of kin residing in the jurisdiction of the Gunnison Police Department. Such notifications will be performed in accordance with the Outside Agency Assistance Policy.

The identity of any person who is seriously ill, seriously injured or deceased should not be released until notification is made to the victim's next of kin.

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Bias-Motivated Crimes

319.1 PURPOSE AND SCOPE

The Gunnison 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.

319.1.1 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).

319.2 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.

319.3 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about bias-motivated crime laws.

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319.4 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 sergeant 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 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 should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney or City Attorney.

319.5 TRAINING

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

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Standards of Conduct

320.1 PURPOSE AND SCOPE

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

320.2 POLICY

The continued employment or appointment of every member of the Gunnison 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.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

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.

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

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Colorado constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall 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.

320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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320.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Gunnison Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while onduty or through the use of one’s official capacity.

(b) Engaging in onduty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

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320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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320.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the collective bargaining agreement or contract, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related disease, injury or death as soon as practicable but no later than 24 hours (CRS § 8-43-102).

320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

320.5.12 CITY OF GUNNISON POLICY

Any cause for diciplinary action identified by City of Gunnison Policy is deamed a violation of Gunnison Police Department Policy.

320.6 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity if a Conduct violation is occurring on duty.

b. References in 320.3.2, Supervisory Responsibility, applies to employees who have been appointed to positions in the department with established supervisory roles.

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Information Technology Use

321.1 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.

321.1.1 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 Gunnison 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.

321.2 POLICY

It is the policy of the Gunnison 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.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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321.4 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.

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.

321.4.1 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.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department when perform work related activities. This includes the use of telephones, cell phones, texting, or email. 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.

321.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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321.7 SUPERVISOR ROLE

As used in this policy, supervisor refers to any employee based on job description, within the department, who has the full time responsibility to supervise other employees,

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Report Preparation

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Department who complete investigations and reports as a part of their duties.

322.2 POLICY

It is the policy of the Gunnison Police Department that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

322.3 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports, or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

322.4 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold 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 held.

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

322.4.1 HANDWRITTEN OR TYPED REPORTS

Handwritten reports and forms must be prepared legibly with block printing. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

Members who generate reports on computers are subject to all requirements of this policy.

322.4.2 REPORT RESTRICTION

Members shall not use the term "excited delirium" in a report. Members may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (CRS § 24-31-907).

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322.5 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate department-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if they deem it necessary or as directed by a supervisor.

322.5.1 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 crimes reported to the department or identified by an employee

(c) Code violations reported to the police department and code violations identified by an employee where enforcement action is taken..

(d) Situations covered by separate policy. These include:

  (a) Use of Force Policy

  (b) Domestic Violence Policy

  (c) Child Abuse Policy

  (d) Adult Abuse Policy

  (e) Bias-Motivated Crimes Policy

  (f) Suspicious Activity Reporting Policy

322.5.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy).

(d) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of physical force against any person by a member of this department (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy) except during approved range training.

(h) Any time a member points a firearm at any person.

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(i) Any traffic accidents above the minimum reporting level (see the Traffic Accident Response and Reporting Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

322.5.3 DEATHS

Death investigations require specific investigation methods depending on circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(b) Sudden or accidental deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

322.5.4 CITY PERSONNEL

Incidents involving City personnel or property shall require a report when:

(a) An injury occurs that is a result of an act of a City employee or on City property.

(b) There is damage to City property or equipment.

322.5.5 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, where death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

322.6 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a RMS e-mail, with a copy placed in the note file for the specific report, notifying the member and stating the reasons for rejection.

It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

322.6.1 CHANGES AND ALTERATIONS

Reports that have been approved by a supervisor and released by the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report.

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Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of a supervisor.

Supervisors may make grammatical corrections to a report narrative as part of the approval process provided they do not change the meaning of the report.

322.6.2 ADMINISTRATIVE CODES

The records management system serves as the platform for basic report writing in addition statistical data for the department. On occasion administrative fields are identified after the report is approved which need to be corrected. These fields do not affect the accuracy of the narrative or basic report. If an identified field will affect the report a supplement will be added explaining the modification and be released as necessary.

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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. The Captain is designated as the department Public Information Officer. The Chief of Police or Captain may designate a Public Information Officerfor specific events, activities , incidents or emergencies to prepare and release information to the media in accordance with this policy and the applicable law.

The City Emergency Response Plan may supersede this policy if activated.

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 Sergeant. 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 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.

323.2.2 PUBLIC INFORMATION OFFICER COMMUNITY RELATIONS

The designated PIO is responsible for maintaining a relationship with the local community (e.g., local businesses, service clubs, schools, religious organizations, other government agencies) that is consistent with the goals and objectives of this department. The PIO shall maintain documentation on all public education efforts including classes, informational flyers and other documentation, meetings and press releases.

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:

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(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer 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 the Public Information Officer.

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 supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Captain. 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.

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323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Office. This log will consist of data classified as public and should generally contain:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated PIO, the Records Office, or if unavailable, to the Chief of Police. 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.

323.4.2 INFORMATION NOT TYPICALLY RELEASED

(a) Prior criminal record (including arrest, indictments, or other charges of criminal activity) of a defendant.

(b) Opinions or other statements as to the character, reputation, guilt, or innocence of the accused.

(c) Existence or contents of any confession, admission, alibis, or other statements of the accused, or the refusal or failure of the accused to make any such statements.

(d) Performance of, or results of investigative procedures or tests, such as fingerprints, polygraph examination, ballistic tests, or other laboratory tests or examinations or the refusal of the accused to take such tests or examinations.

(e) Statements or opinions concerning the identity, address, testimony, or credibility of prospective witnesses.

(f) Speculation regarding plea bargaining or other disposition of the charge or case.

(g) Statements or opinions concerning evidence (physical or oral) or argument in the case, or whether or not it is anticipated such evidence or argument will be used at trial.

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(h) Name or location of the accused's employment, except if the location of the crime or arrest is the same.

(i) Name or address of any victim of a sex offense or any juvenile victim; only the approximate location of where the offense took place should be released.

(j) Exact amount of cash or specific description of any items taken in a robbery or burglary, unless a detailed description is needed to assist in recovery.

(k) Information regarding the victim in a death investigation. Inquiries as to the victim's name will be referred to the coroner's office until the coroner authorizes release of that information. Arrival at the death scene and pronouncement of death by the coroner is not authorization to release the name.

(l) Any information concerning an internal investigation, including the existence of such an investigation, without the express authorization of the Chief of Police.

(m) Police interviews with, or posed photographs of, an accused person in custody.

323.5 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

323.6 RECORDS RETENTION

Press releases made in connection with a criminal case will be added to the RMS System as a case note or other suitable attachment.

All media logs, general press releases, or media releases will be retained per department retention guidelines.

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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 Gunnison Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

324.2 POLICY

Gunnison 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.

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).

(a) Gunnison Combined Court utilizes the state electronic subpoena notification system. All officers will maintain a login into the Colorado District Attorneys Council state system, (CDAC) and maintain current notification settings and respond to subpoena requests/notices within 48 hours of notification.

Subpoenas issued to the department, may be served on the records department, the Captain or the Chief of Police as appropriate, for subpoenas related to official duties..

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 a Sergeant or the Captain 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 Gunnison Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Gunnison Police Department.

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The Sergeant or Captain 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.

324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties.

The Department may seek reimbursement for the members compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated as any other leave request.

324.4 REQUIREMENT TO APPEAR

Members are required to comply with the terms of any properly served subpoena or court-ordered appearance. This includes properly served orders to appear issued by a state administrative agency.

324.5 COURT STANDBY

To facilitate court 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 court standby changes his/her location during the day, the member shall notify the designated court official of how he/she can be reached. Members are required to remain on court 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 review relevant reports and become familiar with the content in order to be prepared for court. Subpoenaed employees should also request copies of any report, documents or evidence that may be specified in the subpoena to produce or requested by the prosecuting attorney.

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324.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence, that member should:

(a) Notify the Property Office promptly after receiving the subpoena that the specified evidence is needed for court and verify that the evidence is readily available.

(b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.

(c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.

(d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.

(e) Comply with provisions of the Property and Evidence Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

324.7 COURT APPEARANCES COMPENSATED

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

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Outside Agency Assistance - Mutual Aid Requests

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

The general intent is for requests made for short term assistance requests; such as traffic stops or assistance with a single on scene incident, to be made at the shift supervisor level. With longer term requests by other agencies or by the Gunnison Police Department being approved by the Chief of Police.

325.2 POLICY

It is the policy of the Gunnison Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

325.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Chief of Police for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from the department, the shift Supervisor may authorize, if available, an appropriate number of personnel to assist (CRS § 29-5-104) for assignment up to 4 hours. Assistance greater than 4 hours will need approval of the Chief of Police. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

325.3.1 RECIPROCAL LAW ENFORCEMENT AGREEMENT

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 and CRS § 29-1-203.

325.3.2 TERMS OF AGREEMENT

Any reciprocal law enforcement agreement with another agency should include:

(a) An estimate of the types, amounts and general location of aid and resources available from each involved agency.

(b) Information on which agency will respond to calls for service by type of event.

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(c) A plan for interagency communication to ensure prompt and appropriate response.

(d) A strategy for providing backup support between jurisdictions.

(e) Clear reporting and documentation requirements.

(f) Guidelines concerning jurisdiction of prosecutors and courts.

325.3.3 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Gunnison Police Department shall document the activity in a informational report or if a criminal incident in an agency assist report. Copy of report will be forwarded to the proper jurisdiction for reporting purposes..

325.4 REQUESTING OUTSIDE ASSISTANCE

Mutual Aid requests for assistance will be authorized by the Chief of Police.

If short term emergency assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor (CRS § 29-5-104). The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

325.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Supervisor.

325.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Chief of Police or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be attached to the electronic file too ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Captain should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Gunnison 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.

326.2 POLICY

It is the policy of the Gunnison 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.

326.3 REGISTRATION

The Investigations 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.

326.3.1 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).

326.3.2 WAIVERS OF IN-PERSON RE-REGISTRATION

The Investigations supervisor should (CRS § 16-22-108):

(a) Establish procedures for determining whether a registrant is eligible for a waiver under CRS § 16-22-108.

(b) Submit verification forms to CBI and other applicable law enforcement agencies.

(c) Review existing waivers to confirm registrants still meet eligibility requirements for the waiver.

(d) Notify victims, upon request by the victim, that a waiver has been authorized.

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326.3.3 AUTOMATIC TERMINATION OF REGISTRATION

The Investigations 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 Investigations supervisor shall remove the registrant from the registry and notify CBI of the termination (CRS § 16-22-108).

326.4 MONITORING OF REGISTERED OFFENDERS

The Investigations 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, when possible, 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 Investigations supervisor.

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

326.4.1 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).

326.5 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 Gunnison 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.

326.5.1 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

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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))

326.5.2 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).

326.5.3 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).

326.5.4 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

326.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY

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

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326.6 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)).

326.6.1 CONFIDENTIAL INFORMATION

The forms completed by persons required to register pursuant to Colorado law shall be confidential and shall not be open to inspection by the public or any person other than law enforcement personnel except as provided by law (CRS § 16-22-109(4)).

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Major Incident Notification

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 Gunnison 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 Captain. 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 Gunnison official
- Arrest of Department employee or prominent Gunnison 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 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making the appropriate notification. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable.

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327.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police the Captain or a Sergeant shall be notified. The supervisor notified shall determine if other supervisors, police staff or City Staff should be notified.

327.4.2 PUBLIC INFORMATION OFFICER (PIO)

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

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Death Investigation

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 detective or supervisor shall be notified in all death investigations and based on personnel available and information available respond or allow the officer on scene to investigate the death.

1. If the victim is obviously deceased upon the officer's arrival, ambulance personnel shall be advised as to "Probable Deceased" status, and shall not be allowed to enter the scene except for the lead medical person on scene who may wish to confirm the officer's determination of death. If any doubt, allow the ambulance crew to enter.

329.2.1 CORONER REQUEST

The Coroner shall be called as soon as practicable after the scene is safe and secure in all deaths. The Coroner may ask for assistance in investigating any death involving any of the following circumstances (CRS § 30-10-606(1)):

(a) The death is, or may be, unnatural, as a result of external influences, injury or violence.
    1. It is due to the influence of, or is the result of, intoxication by alcohol, drugs or poison.
    2. It is the result of an accident, including an accident at the workplace.
    3. It involves the unexpected or unexplained death of an infant or child.

(b) There is no physician in attendance, or when the physician is at the scene but is unable to certify the cause of death.

(c) The death occurs within 24 hours of admission to a hospital.

(d) The death is the result of a criminal abortion, including any situation where such abortion may have been self-induced.

(e) It is the result of a disease that may be hazardous or contagious, or may constitute a threat to the health of the public.

(f) The death results from the action of a peace officer, or while the person was in the custody of law enforcement officials or incarcerated in a public institution.

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1. Investigation will also involve the 7th Judicial District Officer Involved Use of Force Investigative Team (CIIT).

(g) The death was sudden, and happened to a person who was in apparent good health.

(h) The body is unidentifiable, decomposed, charred or skeletonized.

(i) The death occurs under circumstances that the Coroner determines may warrant further inquiry in order to determine the cause and manner of death, or that requires further law enforcement investigation.

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.

The Detective, and/or officers as directed, will collect and preserve all evidence gathered at the scene. The police department will maintain custody of all evidence collected and provide chain of custody for evidence examined, submitted to court, released to family members or destroyed. The Coroner has jurisdiction over the decedent and personal effects. The police department will assist the coroner in the removal of the decedent and insure that the coroner's bag is properly sealed. The Coroner, with input from the Detective will determine if an autopsy is necessary. If an autopsy is necessary, then the detective or their designee will attend the autopsy at the time and place determined. Security for the decedent's personal property or release of the scene is based on the Coroner's authority, with input from the Detective and District Attorney's Office.

If the Coroner rules that any suspicious or felonious activity is involved or suspected in the death, the scene will be treated as a major crime scene.

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

When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the

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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 in the department RMS system.

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. A Supervisor shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Coroner, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, 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.

329.2.7 DISTRICT ATTORNEY NOTIFICATION

Office of the District Attorney, who are required under 30-10-606(1) to be notified of all unattended deaths. Notification responsibility rests with the coroner which can be delegated to local law enforcement. Officers are to insure that this notification takes place, as to the circumstances surrounding the death. Should a member of the District Attorney's staff respond to the scene, they may assist with the investigation by consulting with both the coroner and law enforcement personnel on scene. The District Attorney's Investigator may work in cooperation with department investigators.

329.3 PRESS RELEASE

Release of information concerning the manner and cause of death rests with the Coroner. Officers are not to release information to the press concerning manner and cause of death. Any information concerning the departments role in unattended death incidents will be released by the office of the Chief or their designee.

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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.

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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.

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Private Persons Arrests

331.1 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.

331.2 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.

331.3 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.

331.4 OFFICER_DEPUTY 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.

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

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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 on a summons or pending formal charges.

331.5 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 Private Person's 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.

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Limited English Proficiency Services

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 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 Gunnison 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).

332.2 POLICY

It is the policy of the Gunnison 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.

332.3 LEP COORDINATOR

The Chief of Police, or designee shall serve as the LEP Coordinator.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Gunnison Police Department's LEP services to LEP individuals.

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(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Communications Director. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

332.4 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.

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(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Gunnison 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.

332.6 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.

332.7 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.

332.8 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, who have been identified by the Department as having the requisite skills and competence, may be requested.

332.9 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,

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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.

332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

332.9.2 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

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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.

332.10 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.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

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

332.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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.

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332.12 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.

332.13 INVESTIGATIVE FIELD INTERVIEWS

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

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

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

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

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

332.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

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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.

332.15 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.

332.16 COMPLAINTS

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

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

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

332.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

332.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Captain 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 Captain 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.

332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency

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in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Captain shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Arrest Reporting (Public School)

335.1 PURPOSE AND SCOPE

The purpose of this policy is to identify the procedure to follow when a student or employee is to be arrested on school grounds during school hours, with the intent to avoid unnecessarily interfering with the classroom and educational process.

335.2 PUPIL ARREST REPORTING

In the event a public school student or employee is arrested on school grounds and during school hours or at a school event the arresting officer shall notify the assistant principle or principle of the public school involved.

335.2.1 CONTACT FOR INVESTIGATIONS

In all instances, contact during class times, should be limited to instances where the student, employee or others may be in danger.

Officers will coordinate with the Principle or Assistant Principle prior to contacting any student or employee during class periods or at school, who is a witness to or party to a police investigation.

335.2.2 PARENTAL NOTIFICATION

officer will notify the parent or guardian when contacting any student at school and during school hours. Except in situations where the notification could further place an individual at risk or when allowed by law.

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Biological Samples

336.1 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.

336.2 POLICY

The Gunnison 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.

336.3 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

336.4 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.

336.4.1 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.

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336.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if available.

The supervisor shall review and approve any plan to use force and be present to document the process.

336.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

336.6 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

336.6.1 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.

336.6.2 FORWARDING BIOLOGICAL SAMPLES

All biological samples and related materials shall be promptly forwarded to CBI using CBI material, labels and instructions for prompt analysis (CRS § 16-23-103(6); CRS § 16-23-104).

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Child and Dependent Adult Safety

339.1 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.

339.2 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 Gunnison 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.

339.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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339.3.1 AFTER AN ARREST

After 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 Shift 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.

339.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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

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339.3.3 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

339.3.4 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.

339.4 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.

339.5 TRAINING

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

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Service Animals

340.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Gunnison 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.

340.2 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).

340.2.1 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.

340.3 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

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service animals with the same courtesy and respect that the Gunnison Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Native American Graves Protection and Repatriation

342.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

342.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

342.2 POLICY

It is the policy of the Gunnison Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

342.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5; CRS § 24-80-1302):

- When appropriate, the Coroner.
- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Colorado land management agency
- Tribal land - Responsible Indian tribal official

342.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Off-Duty Law Enforcement Actions

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 Gunnison 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.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

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 Gunnison 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, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Gunnison 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 Shift Supervisor shall determine whether a report should be filed by the employee.

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

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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 Gunnison 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 Captain 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.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) 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.

345.4.2 OTHER REQUIREMENTS

Where reasonably possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.

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.

1. Members shall observe all copyright, trademark and service mark restrictions in posting materials to social media.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Gunnison 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.

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345.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.

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

345.6 MONITORING CONTENT
The Capatin will review, at least annually, the use of department social media and report to the Chief of Police, 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 Captain should work with the City IT Department to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established City of Gunnison Policy.

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.

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Community Relations

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including:

- Bias-Motivated Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

346.2 POLICY

It is the policy of the Gunnison 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.

346.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions, Contacts and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

346.4 COMMUNITY RELATIONS COORDINATOR

The Community Resource Officer working in conjunction with the Captain shall perform the duties of the community relations coordinator. He/she may report directly to the Chief of Police:

(a) Obtaining department-approved training related to his/her responsibilities.

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(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Patrol Section Section Supervisor to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

(j) Coordinate departmental employees to assist with community related efforts.

346.5 SURVEYS

The community relations coordinator may arrange for a survey of community members and department members to be conducted to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the Department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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346.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

346.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

346.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

346.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

346.10 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

346.11 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.

346.11.1 STATE-MANDATED TRAINING

The Captain is responsible for ensuring that members attend community policing and community partnership training as required by CRS § 24-31-315.

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Extreme Risk Protection Orders

347.1 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).

347.1.1 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.

347.2 POLICY

It is the policy of the Gunnison 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.

347.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Captain is appointed the extreme risk protection order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members. Procedures should include (CRS § 13-14.5-103; CRS § 13-14.5-104):

1. For temporary extreme risk protection orders, that a search warrant shall be sought concurrently with any petition.
2. A process for handling notices received from non-law enforcement petitioners to determine whether department attendance at a hearing is appropriate.
3. Involving agency counsel as required.
4. Making required state court administrator forms available (CRS § 13-14.5-114).

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.

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5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to self or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CRS § 13-14.5-103 and CRS § 13-14.5-106. Procedures should include (CRS § 13-14.5-106):

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service and Operations Planning and Deconfliction policies).
    (a) Additional time to allow for the proper and safe planning and execution of the court order may be requested, if needed.
2. Forwarding orders, receipts, and other required notices to the Records 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 Captain 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).

347.4 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes that an extreme risk protection order is appropriate should obtain approval from an appropriate supervisor and the risk protection order coordinator or authorized designee prior to seeking an order.

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347.4.1 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).

347.4.2 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).

347.4.3 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.

347.5 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).

347.5.1 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).

347.5.2 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protection order, the operations director should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order. If, the operations director is not available a Sergeant or higher Supervisor will serve as the operations director.

When appropriate based on the circumstances and department procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

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In no circumstances should fewer than two officers be present when an order is being served.

347.5.3 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.

347.5.4 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).

347.6 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 Office.

347.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Investigations supervisor is responsible for the review of any extreme risk protection order obtained by the Department to determine if renewal or extension of the order should be requested within the time prescribed by law (CRS § 13-14.5-107).

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Remote Restraint Device

348.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of a remote restraint device in order to minimize injury to suspects, subjects, and officers.

348.2 POLICY

The remote restraint device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. A remote restraint device is a hand-held device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-20 feet

348.3 ISSUANCE AND CARRYING REMOTE RESTRAINT DEVICE

The following guidelines shall be adhered to:

(a) Only a department-approved remote restraint device that has been issued by the Department shall be utilized by personnel.

1. BolaWrap™ 100

(b) Only members who have successfully completed department-approved training may be issued and carry a remote restraint device.

(c) All remote restraint devices are clearly and distinctly different from the duty firearm and any other device.

(d) Remote restraint devices will be carried in the patrol equipment bag or on the officers person, in the provided holster or a pocket and readily available for deployment. If carried in a pocket the device should be protected from damage.

(e) Officers shall inspect the remote restraint device at the start of their shift for damage and ascertain that it is in working order. If the device is not in working order it will be turned into the Captain along with written notification of the known or suspected issue.

(f) Officers should not hold any other weapon, firearm, or control device and the remote restraint device at the same time.

348.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the “less lethal” 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:

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

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

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

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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 remote restraint device in the related report.

348.5 USE OF THE REMOTE RESTRAINT DEVICE

The remote restraint device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the remote restraint device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options. An officer using the remote restraint device should have a second officer present to serve as lethal cover if practicable.

348.5.1 APPLICATION OF THE REMOTE RESTRAINT DEVICE

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

(a) A subject needing to be detained or controlled indicates through words or action they will resist arrest or will not voluntarily comply with lawful orders.

(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 remote restraint device to apprehend an individual.

348.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.

(b) Individuals near any body of water that may present a drowning risk.

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

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

348.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower extremities or lower arms. Generally a deployment aimed at the abdomen will cover the lower arms and a deployment aimed just below the knee will cover the lower legs. The head, neck, chest/upper arms, and groin should be avoided

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if possible. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the remote restraint device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, or groin until the subject is examined by paramedics or other medical personnel.

348.5.4 MULTIPLE APPLICATIONS OF THE REMOTE RESTRAINT DEVICE

(a) If the first application of the remote restraint device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including: Whether the Kevlar cord or pellets/barbs 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

348.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Following the use of the remote restraint device:

(a) Personnel shall request a shift supervisor to the scene.

(b) A medical evaluation will be completed on anyone for whom the remote restraint device was deployed, if the barbs are lodged in the skin.

(c) The medics shall determine whether transporting the person to a medical facility is necessary to remove the pellets/barbs from a sensitive area.

(d) If the shift supervisor determines that removal of the Kevlar cord is appropriate at the scene, the shift supervisor or officer shall remove the Kevlar cord.

(e) Once removed the barbs and cord shall be placed in a sharps container/tube and sealed with biohazard tape.

(f) Container shall be properly packaged, labeled and placed in evidence.

348.6 REPORTING/DOCUMENTING THE USE OF REMOTE RESTRAINT DEVICE

Officers shall document all remote restraint device discharges in the related offense report and use of force reporting form. Officers shall properly tag body worn camera and or Mobile Audio video. A shift supervisor shall be notified in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person and laser activation will also be documented. The responding shift supervisor will be responsible for documenting if the remote restraint device was used consistent with the Use of Force policy. The following information should be documented in the appropriate arrest report/offense report/Use of Force Reporting form:

(a) Identification of all personnel firing remote restraint devices.

(b) Identification of all witnesses.

(c) Medical care provided to the subject

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

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

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348.6.1 REMOTE RESTRAINT DEVICE EVALUATION FORM
Remote restraint device evaluation form is incorporated into the the use of force review form and should include:

(a) The remote restraint device & cartridge serial numbers.

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

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

(d) The number of remote restraint device activations and the duration between activations (as best as can be determined).

(e) The range at which the remote restraint device was used.

(f) Location of any deployments impact.

(g) Description of where missed deployments went.

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

(i) Whether the subject sustained any injuries.

(j) Whether any officers sustained any injuries.

The Captain should periodically review and analyze the report forms and other applicable information to identify trends, including deterrence and effectiveness, and any need for revisions of policy and/or training.

348.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry remote restraint devices while off duty

348.8 MEDICAL TREATMENT
Absent extenuating circumstances, only officers trained in the removal of probes or appropriate medical personnel should remove remote restraint device pellets/barbs from a person's body. Only medical personnel should remove probes from sensitive areas such as the groin or female breasts.

All persons who have been struck by remote restraint device pellets/barbs shall be medically assessed prior to booking.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports.

If a recording is made of the contact or an interview with the individual, any refusal should be included, if possible, and the video appropriately tagged for retention purposes.

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

348.9 SUPERVISOR RESPONSIBILITIES
When possible, shift supervisors should respond to calls when they reasonably believe there is likelihood a remoterestraint device may be used. Absent exigent circumstances, a shift supervisor should respond to all incidents where a remote restraint device was activated.

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Photographs should be taken, including if the skin is penetrated by the pellets/barbs, and witnesses interviewed.

A Sergeant shall review each incident where a person has been exposed to an activation of the remote restraint device.

348.10 TRAINING

Personnel who are authorized to carry the remote restraint device shall be permitted to do so only after successfully completing the initial department-approved training from a certified instructor and demonstrating proficiency to the instructor.

Proficiency training for personnel who are authorized to use and have been issued remote restraint devices should occur annually by a certified instructor. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by a supervisor. All training and proficiency for the remote restraint device will be documented in the officer's training file. Any officer who fails to demonstrate proficiency with the device will receive remedial training and will not be allowed to carry the remote restraint device until proficiency is demonstrated.

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

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

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

Application of remote restraint devices during training shall include exposure for certification.

The Captain or designee should ensure that all training (initial and annual) includes:

(a) A review of this policy.

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

(c) The most current training curriculum for the remote restraint device in use at the time.

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

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

(f) De-escalation techniques.

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

(h) A minimum of one application with the device.

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Generative Artificial Intelligence Use

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

349.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

349.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Gunnison Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

349.3 RESPONSIBILITIES

349.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

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349.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Captain or the authorized designee.

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

(a) Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.

(c) Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

(d) Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.

(e) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

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(f) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(g) Developing and updating training for the authorized users of each department-approved GenAI system.

(h) Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(i) Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.

(j) Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(k) Keeping abreast of advancements in GenAI and any GenAI-related legal developments.

(l) Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.

(m) Developing procedures in coordination with the *Brady* information coordinator and the Records Manager for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Colorado Criminal Justice Records Act.

349.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

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349.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

349.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

349.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

(a) A review of this policy

(b) The need for human oversight of GenAI outputs

(c) The interpretation, review, and verification of GenAI output

(d) Checking GenAI output for bias or protected information

(e) Ethical use of GenAI technology

(f) Data security and privacy concerns

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Gunnison, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other sections 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 Gunnison Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic

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terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigations supervisor in a timely fashion.

The Investigations supervisor should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various sections of the Gunnison Police Department.

400.2.1 CRIME INTELLIGENCE REPORTS

A crime intelligence report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to thedetectives office for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol supervisors, and investigative personnel are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.3 INFORMATION SOURCES

Several electronic communications methods are maintained and are available for review by officers from all sections within the Department. These include, but are not limited to, ITI message board found on the home page, ITI Deskbook found on ITI under communications, ITI e-mail found on ITI under communications and e-mail service provided through city computer system. All are available and should be checked regularly.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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400.4 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND.

(a) If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Gunnison 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 or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups) (CRS § 24-31-309).

401.2 POLICY

The Gunnison 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 RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of racial- or bias-based profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Officers shall provide a business card to any person who is detained or contacted for any reason that requests a business card or officer's identification. The business card shall include identifying information including, but not limited to, the officer's name and a telephone number that may be used, if necessary, to report any comments, either positive or negative.

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Officers will provide a written warning to any driver detained in a traffic stop that is not cited or arrested. (CRS § 24-31-309(4)(a)). Business card shall be provided in addition to a written warning, citation or arrest if the driver or passenger request officers identification.

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, profile report/RMS Profile Screen), 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, computer system 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).

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The department shall also collect and report as required by statute (CRS § 24-31-309(3.5)) such profiling information as required by statute pertaining to contact. Contact is defined as an interaction initiated by a peace officer with a person who is the subject of a possible law violation for the purpose of investigation or enforcement. (CRS § 24-31-901).

Police contact with the public that is not “contact” necessitating statutorily required data collection is identified as:

- Routine interaction with the public at a of entry or exit from a controlled area
- Community caretaking functions
- Welfare checks
- Contacting reporting parties, victims, or witnesses
- Any interaction initiated by a member of the public
- Telephone communications
- Undercover operations
- Civil service ordered by the Court; writs, protection orders, mental health pickups, any other service of process

401.7 ADMINISTRATION

Each year, the Captain 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 shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

401.8.1 ADDITIONAL STATE REQUIREMENTS

All certified members shall attend regular training on the subject of bias-based policing (CRS § 24-31-309; CRS § 24-31-315).

401.9 PUBLIC INFORMATION

This policy is available to the public. (CRS § 24-31-309).

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Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees. Briefing should be conducted by the shift supervisor going off duty, when briefing is conducted at a shift change or by the shift supervisor on duty at other times.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new General Orders or changes in General Orders.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

(f) Provide officers time to review "deskbook" and department e-mail.

402.2 BRIEFING AND ROLL CALL TRAINING

Briefing and roll call training is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Briefing and roll call training should incorporate short training segments on a variety of subjects and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Reviewing recent incidents for training purposes.

402.3 PREPARATION OF MATERIALS

The supervisor conducting briefing and/or roll call training, or the officer if the supervisor is unable to participate in a group briefing or roll call training session, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

402.4 RETENTION OF ROLL CALL TRAINING RECORDS

Roll call training materials and a curriculum or summary shall be forwarded to the Captain for inclusion in training records, as appropriate.

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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 POLICY

It is the policy of the Gunnison 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.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

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.

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Ride-Alongs

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Gunnison Police Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

405.2 ARMED RIDERS

Under no circumstances may a rider, who is a non-certified police officer, be armed with any type of weapon which includes firearms, all knifes, chemical sprays, and electronic restraint type of weapon. Off duty Police Officers from another jurisdiction may carry their department approved weapon, badge and police ID during the ride-along, provided their carrying of a weapon is authorized or approved by their department policy and state statute. The off duty officer will not take part in any police action unless instructed by the host officer.

405.3 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 Gunnison Police Department. The term “ride-along” includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as the Communications Center.

405.4 ELIGIBILITY

A ride-along is available to Gunnison residents and business owners, students currently attending class in Gunnison, and those employed within the City of Gunnison. 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.

405.5 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Shift 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 form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address, and telephone number.

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The Shift 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 Section as soon as possible for scheduling considerations.

If the request is denied, a representative of this department will advise the applicant of the denial.

405.6 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Cadets
- Explorers
- Volunteers
- Chaplains
- Reserves
- Auxiliaries
- Gunnison Police Department applicants
- Any others with approval of the Shift 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.

405.6.1 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 Shift 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.

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405.6.2 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.

405.6.3 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 Shift Supervisor. The Shift Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

405.7 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.

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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 Shift Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Shift Supervisor.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver’s statements or shipping documents from the person transporting the material.

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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the local Colorado State Patrol Dispatch to request assistance from the Colorado State Patrol Hazardous Materials Unit at the direction of the fire department.

(l) If available, activate reverse 9-1-1 calling to the affected area.

406.2.1 RELATED INVESTIGATIONS

Officers should keep in mind that community safety and their safety is the first objective when responding to a scene involving a hazardous material. When the scene is safe the officer will determine if a police investigation is needed.

406.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Captain as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

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406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

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Hostage and Barricade Incidents

407.1 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.

407.1.1 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.

407.2 POLICY

It is the policy of the Gunnison 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.

407.3 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.

407.3.1 EMERGENCY COMMUNICATIONS

Any department member supervising a hostage or barricade situation in this jurisdiction may order a security employee of a communications or internet access provider to cut, reroute or divert telephone lines or a cellular or digital communications signal to prevent the suspect from communicating with any person other than a law enforcement officer (CRS § 18-9-312).

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Any department member supervising a hostage or barricade situation may also order a telecommunication provider to disclose location information of any hostage's or other named person's telecommunications device if the supervising member reasonably believes that the time required to obtain a court order would increase the risk of death or serious bodily injury to the hostage or any person with the named person (CRS § 18-9-312). The supervising member shall ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

407.4 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.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

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(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

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(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 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 Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

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407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the IC's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the IC authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation.The IC shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The IC and the SWAT Commander or the authorized designee shall maintain communications at all times.

407.6.1 REPORTING

Unless otherwise relieved by a supervisor or IC, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Civil Commitments

409.1 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; CRS § 27-81-111).

409.2 POLICY

It is the policy of the Gunnison Police Department to protect the public and individuals through legal and appropriate use of the civil commitment and/or transportation process.

Officers coming in contact with any individual who is experiencing a mental health crisis should;

(a) Stabilize the situation, for the safety of the individual and others in the area.

(b) Provide medical aid and notify an ambulance, if needed.

(c) Notify the Mobile Crisis Response Team and request they respond to the scene.

409.3 AUTHORITY

27-65-107)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.

(c) When the officer has probable cause to believe that a person is under the influence of or incapacitated by substances and is clearly dangerous to the health and safety of the person's self or others (CRS § 27-81-111).

1. Due to the fact Gunnison does not have a designated or approved treatment facility. The officer should request Emergency Medical Services to evaluate the need to transport the individual for medical concerns.

If an appropriate facility is not available for a mental health hold, 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).

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If an appropriate facility is not available for a substance abuse hold, the person may be detained in an emergency medical services facility, but only for as long as may be necessary to prevent injury to the person's self or others or to prevent a breach of the peace. Juveniles in protective custody shall not be detained in a jail facility (CRS § 27-81-111).

409.3.1 DETENTION

Detention of a person under a mental health hold does not constitute an arrest. When a person is taken into protective custody for a mental health hold, 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).

Detention of a person held for a substance abuse emergency commitment is considered protective custody and does not constitute an arrest (CRS § 27-81-111).

409.3.2 VOLUNTARY EVALUATION

Officers should utilize the Mobile Crisis Response Team prior to transporting an individual to a facility for a mental health evaluation.

409.3.3 MENTAL HEALTH FACILITY

Gunnison County has no mental health treatment facilities as defined by statute, so facility in context of this policy is the Gunnison Hospital Emergency Room. When available and appropriate for the situation officers should utilize the services of the Mobile Crisis Response Team prior to transporting to the hospital

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Officers should utilizing these consideration wether a Mobile Crisis Response Teams is available or not.

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.

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409.4.1 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. See Use of Force Policy.

409.5 MOBILE CRISIS RESPONSE

When dealing with an individual that may fit the requirement for a civil commitment, officers should involve the mobile crisis response team as soon as possible. Involvement prior to treatment at the hospital increases the ability of the mobile crisis team to assist.

Officers should brief the Mobile Crisis Response Team when they arrive. Officers will remain on scene to assist as needed or until released by the Mobile Crisis Response Team.

If a Mobile Crisis Response Team is not available officers should evaluate and proceed with a Civil Commitment hold and transport as authorized by statute, when warranted. If law enforcement completes a transport to Gunnison Valley Hospital they must complete a M.5 mental health document which the police department has.

409.6 TRANSPORTATION

Officer may be requested by a Mobile Crisis Response Team to transport an individual to the emergency room or other facility. When Mobile Crisis Response is not available officers may provide transport to the Emergency Room for evaluation when individuals meet the requirement for civil commitment. Officer will need to complete a M.5 document if an M1 has not already been provided as part of a requested transport.

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, Shift Supervisor approval is required before transport commences.

409.7 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 or with prior Mobile Crisis Response Team involvement, 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.

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409.8 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.

409.9 REPORTING TO BEHAVIORAL HEALTH ADMINISTRATION SUBSTANCE ABUSE HOLDS

The officer should ensure that the Records Manager is provided enough information relating to a substance abuse hold to meet the reporting requirements of the Behavioral Health Administration (CRS § 27-81-111).

409.10 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.

409.11 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.

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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.

Officers should reference EXTREME RISK PROTECTION ORDERS for related policy requirements on firearms.

409.12 TRAINING

This department will endeavor to provide department-approved training on interaction with persons with mental health disorders, behavioral health crises, substance abuse crisis, on civil commitments, and crisis intervention.

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Summons Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Gunnison Police Department with guidance on when to release adults who are suspected offenders on a summons, issued by the officer, for a criminal offense, rather than having the person held in custody for a court appearance or released on bail or requesting a summons through the District Attorney's Office..

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Gunnison 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.

410.3 RELEASE

A suspected offender may be issued a summons as follows:

(a) Municipal Offense

1. Where a penalty assessment amount has been established by the court the summons will be issued as a penalty assessment.
2. Summons will be issued for municipal violations; no custodial arrests will be made.

(b) State Offenses

1. 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.
    (a) Officers when citing a suspect for civil infraction(s) in connection with other violations, will combine all violations into one summons. When allowed summons may be issued as a penalty assessment or served as any other summons.
    (b) When a suspect refuses to accept service of a penalty assessment issued for a civil infraction, tender of such penalty assessment to the suspect shall constitute service and the suspect shall not be arrested.
2. 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).
3. For certain traffic violations punishable as a misdemeanor, petty offense, or misdemeanor traffic offense in accordance with CRS § 42-4-1707.

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4. For crimes described in CRS § 24-4.1-302(1) and for certain felonies outlined in the 7th Judicial District Attorney Policy for the issuance of a felony summons for non-violent offenses pursuant to (CRS § 16-5-206). Following apply:
    (a) The crime is a class 5 or class 6 felony, or a class 4 drug felony.
    (b) There is a reasonable likelihood that the person will appear.
    (c) The person has had no felony arrest in the preceding five years.
    (d) There is no allegation that the person used a deadly weapon as defined in Section 18-1-901(3), C.R.S. (e.g., firearm, knife, bludgeon, any other weapon capable of producing death or serious bodily injury) in the commission of the crime.
    (e) There are no outstanding arrest warrant for the person.
    (f) The person has no pending criminal court cases.

Officers have discretion to not charge defendants or place them in custody pending issuance of a felony summons, issued by the District Attorney's Office, when custody or a warrant is not practical.

410.4 PROHIBITIONS

A suspected offender may not be issued a summons as follows:

(a) For any crime or offense the underlying factual basis of which includes an act of domestic violence defined by CRS §18-6-800.3(1). (CRS § 16-3-105(1.5)) See the Domestic Violence Policy for release restrictions related to those investigations.

(b) For certain felonies based on criteria outlined in the 7th Judicial District Attorney Policy for the issuance of a felony summons for non-violent offenses pursuant to CRS § 16-5-206):
    1. The crime or offense charged is identified under the Victim's Rights Act, CRS § 24-4.1-302(1).
    2. The crime is a class 1, class 2, class 3 or class 4 felony or a class 1, 2, or 3 drug felony.
    3. The crime is an unclassified felony punishable by a maximum penalty of more than ten years.

410.4.1 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.

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(d) The person has an outstanding arrest warrant.

410.5 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.

410.6 REQUESTING CASE NUMBERS

Minor traffic violationscan be documented on the reverse side of the records copy of the citation and no incident case number is needed. 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 incident case report. Also, review related policy on when an incident report should be written.

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Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Gunnison Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Gunnison 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.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(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

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 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

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

412.1 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.

412.2 POLICY

The Gunnison 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.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

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(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.3.1 DECISION TO ADVANCE ON A SUSPECT

On-scene first responders shall make the decision whether to advance on the suspect. The multitude of variables in such a circumstance requires a rapid assessment of the situation and a decision as to the best tactics to implement and the timely action necessary to resolve the incident. The following factors individually and collectively should be considered in deciding whether to advance on a suspect:

(a) The suspect's actions are or may be causing death or serious bodily injury.

(b) The incident is not contained and there continues to be an immediate risk of death or serious injury to law enforcement and others.

(c) The suspect is in a position of advantage (e.g. barricaded in a room or building).

(d) The suspect is armed and has displayed or threatened violence.

(e) A hostage situation exists.

(f) The suspect refuses to submit to arrest.

Examples of circumstances and possible decisions may include the following:

- If there is a barricaded suspect with no hostages, the officer should wait for additional assistance or SWAT response.
- If there is a barricaded suspect with hostages and no harm done to the hostages, the officer should wait for additional assistance or SWAT response.
- If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity that may result in death to hostages or others in the area, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect, while calling for additional assistance.

412.4 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND .

(a) If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

(b) The Captain and Chief will be notified in all instances.

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412.5 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.

412.6 PLANNING

The Patrol Section Section Supervisor should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.7 TRAINING

The Captain 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.

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(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Gunnison Police Department relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Gunnison 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.

414.3 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.

414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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414.4.1 DETENTION

Officer shall verify from a 287(g) certified officer, ICE or CBP whether a person's presence in the United States relates to a federal civil violation or a criminal violation.

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 ICE or CBP to respond to the location to take custody of the detained person. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

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.

The Immigration and Customs Enforcement (ICE) office for the Gunnison area is in Alamosa, Colorado. Arrangements have not been made with Gunnison County to hold individuals only wanted on federal immigration violations.

414.5 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.

414.6 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.

414.7 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

414.7.1 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.

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414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police (CRS § 24-4.1-405). The Chief of Police 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.

414.8.1 TIME FRAME FOR COMPLETION

The Chief of Police 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).

414.8.2 APPROVAL OR DENIAL OF CERTIFICATION

If certification is approved, the Chief of Police, 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 Chief of Police shall inform the requestor in writing regarding the reason for the denial as provided in CRS § 24-4.1-403.

414.8.3 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).

414.8.4 DOCUMENTATION AND REPORTING

The Chief of Police shall keep written documentation regarding the number of certification forms that are (CRS § 24-4.1-406):

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(a) Requested by a victim.

(b) Signed.

(c) Denied and for what reason.

(d) Decided outside of the statutory timelines.

The Chief of Police should ensure that the information collected regarding certification forms is reported annually to the Colorado Division of Criminal Justice (CRS § 24-4.1-406).

414.9 TRAINING

The Captain should ensure that officers receive training.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Obtaining Air Support Assistance

418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

Aircraft is not routinely available in Gunnison. This policy should serve as a guideline in the event support is available or based on the situation used as a consideration.

418.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Supervisor or the authorized designee will call the closest agency having air support available. The Shift Supervisor will apprise that agency of the specific details of the incident prompting the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

(f) Pre-planned events or actions that require air support

(g) When the Shift Supervisor or equivalent authority determines a reasonable need exists

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Consensual search - A search performed by an officer following the voluntary consent of the person being searched, or the person having control of the place or item being searched.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

419.2 POLICY

The Gunnison 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

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be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

419.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Gunnison Police Department to strengthen community involvement, community awareness, and problem identification.

419.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the Officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the officer.

419.4 CONSENSUAL SEARCHES

An officer may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows (CRS § 16-3-310):

(a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.

(b) The person is informed that he/she is being asked to voluntarily consent to a search.

(c) The person is informed that he/she has the right to refuse the request to search.

(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.

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Officers should, whenever practicable, obtain written consent. If written consent is not possible, the officer should record any verbal consent.

419.5 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to (see also CRS § 16-3-103(2)):

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

419.6 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

419.6.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. officer should, whenever practicable, obtain written consent. If written consent is not possible, the officer should record any verbal consent.

419.6.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

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All field photographs and related reports shall be submitted and retained in compliance with this policy.

419.6.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted with an associated FI entry or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the officer should treat the photograph and related documentation in accordance with department intelligence files.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.6.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.7 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

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

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

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

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Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Gunnison Police Department appropriately utilizes criminal intelligence systems to support criminal investigations of individuals, organizations, and enterprises.

420.1.1 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 criminal activity, organizations, or enterprise, and its members or affiliates.

420.2 POLICY

The Gunnison 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.

420.3 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.

The investigative supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

Criminal Intelligence system in context with this policy includes any temporary paper or electronic filing system maintained or created for use within the department.

420.3.1 SYSTEM ENTRIES

It is the investigative supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the investigative supervisor should ensure copies of those documents are retained in the intelligence file or by the

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Records Section. Any supporting documentation for an entry shall be retained in the intelligence file or by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The investgative supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the investigative supervisor.

420.3.2 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM
It is the investigative supervisor's responsibility to approve the entry of any information into a criminal intelligence system operated by the Colorado Bureau of Investigation (CRS § 24-33.5-415.3(3); CRS § 24-33.5-412(1)(i)). Entries into such a database shall be based upon criteria established by statute.

420.4 TEMPORARY INFORMATION

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. Once information qualifies for inclusion, (see 420.5 INFORMATION RECOGNITION / OPERATING PRINCIPLES) it should be submitted to the investigative supervisor for consideration of CIS entries.

420.5 INFORMATION RECOGNITION / OPERATING PRINCIPLES

Department members should document facts establishing Reasonable Suspicion that would suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately.

Members shall not collect or maintain criminal intelligence information about the political, religious, or social views, associations, or activities of any individual or group unless such information directly relates to criminal conduct or activity and there is Reasonable Suspicion that the subject of the information is or may be involved in criminal conduct or activity.

Members shall not include information which has been obtained in violation of any Federal, State, or Local law.

420.6 RELEASE OF INFORMATION AND PURGING

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information. Members shall release criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity. This shall not limit the dissemination of criminal intelligence information to a government official or any other individual when it is necessary to avoid imminent danger to life or property.

When releasing intelligence documentation only a copy of the documentation will be released. The department intelligence file will retain the original documentation and the file will be updated

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to reflect who the information was released to, reason for release and employee releasing the information. Additionally, if the information is based on a Gunnison Police Department report, which has been sealed by the court, the fact of that sealing shall also be released and reported in the intelligence file.

Criminal Intelligence information shall be periodically reviewed by the investigative supervisor and any information that is found to be misleading, obsolete, or otherwise unreliable shall be destroyed. Criminal intelligence information shall be reviewed and validated by the investigative supervisor for continued compliance with State and Federal law and expiration period.

420.7 TRAINING

The Captain should determine training on best practices in the use of each authorized criminal intelligence system and organized criminal investigative techniques as needed. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multi agency criminal intelligence system.

(c) Submission of information into a multi agency 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.

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Shift Supervisors

421.1 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, and based on staffing assignments the Captain or Sergeant on duty heads each shift.

421.2 DESIGNATION AS ACTING SHIFT SUPERVISOR

When either the Captain or a Sergeant is unavailable for duty as Shift Supervisor, in most instances the qualified senior officer shall be designated as acting Shift Supervisor. This policy does not preclude designating a less senior officer as an acting Shift Supervisor when operational needs require or training permits.

421.2.1 SCHEDULED ACTING SUPERVISOR

Due to rotating shift assignments and scheduling the Captain or a Sergeant may not be on duty. The assignment of the senior patrol officer as the acting Supervisor is automatic unless modified in writing. This is intended to provide a single point of contact for immediate supervisory decisions and for those supervisory decisions specified in policy as allowed by the acting supervisor.

Where the situtaion dictates or policy specifies a Sergeant, Captain or Chief be notified, the acting Supervisor will see that notification is made.

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Mobile Audio Video

422.1 PURPOSE AND SCOPE

The Gunnison Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

422.2 POLICY

It is the policy of the Gunnison Police Department to use mobile audio and video technology to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

422.3 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.

422.4 OFFICER RESPONSIBILITIES

Officers operating a vehicle with a MAV unit will ensure that they are logged into the unit at the start of their shift.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the officer shall notify the Captain by department e-mail, copying all patrol supervisors, describing the malfunction. Officer should also note in any incident report where a recording should have been made the fact that the MAV unit was malfunctioning and recordings are not available.

In any report or other official record of the contact, members must document one of the following: the existence of a recording, the recorder malfunctioned, or the member deactivated the recording; members must also include the reason for deactivation.

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422.5 ACTIVATION OF THE MAV

The MAV system is programed to activate by:

- Pushing record on MAV unit
- Activation of the officer's BWC when paired to the MAV unit and within range
- Activation of the patrol car emergency lights
- Speed over 80 miles per hour
- Involvement of vehicle in an accident

The system remains on until it is turned off manually on the MAV unit.

422.5.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

The MAV and body-worn cameras are designed to capture information from different perspectives and should both be used when available and appropriate and directed by policy.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
    2. Emergency responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Vehicle searches
    6. Pedestrian checks
    7. DWI/DUI investigations including field sobriety tests
    8. Responding to an in-progress call

(b) Self-initiated activity, involving a police vehicle, in which an officer would normally notify the Communications Center

(c) Any other circumstance where the officer believes that a recording of an incident would be appropriate

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422.5.2 CESSATION OF RECORDING

Once activated, the MAV should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or in other similar situations.

422.5.3 SURREPTITIOUS USE OF MAV

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.

422.5.4 RECORD AFTER THE FACT

"Record After the Fact" allows for the potential recovery of video footage, no audio, without the employing activating the record event. Length of time is dependent on camera use prior to the desired event recovery.

(a) Officer will create an event recording, utilizing record after the fact, for instances meeting department requirements to be recorded where a camera for any reason was not activated. Officers will document in their report the existence of an event recording utilizing "record after the fact" and will document the reason for utilizing the feature.

(b) Officers may be required to surrender a camera used by them to a supervisor or other designated employee as the result of an internal investigation or citizen's complaint, so that "record after the fact" footage may be obtained.

(c) Officers or investigators may also utilize "record after the fact" in furtherance of any investigation or official action when appropriate.

(d) "Record after the fact" will not be utilized as a general review of an officer's performance or actions unless connected to an official complaint, administrative investigation, or criminal investigation.

Any event created by use of "record after the fact" will be documented appropriately based on the reason the event was captured and recorded.

422.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS

Officers are responsible for downloading recorded media into the designated computer system for the recording device being used. Recorded media will be downloaded at the end of all shifts and may be downloaded throughout the shift based on available time.

Officers will be responsible for categorizing (tagging) and#entering a secondary tag (case or citation number) when appropriate,#as soon as practical but no later than 24 hours after downloading. A

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supervisor or the evidence custodian may categorize recorded media as needed for release and evidence tracking.

Categorization is based on the crime investigated not just the crime charged. Example: investigation may be for a sexual assault but the charge filed is a misdemeanor assault, category should be Major Felony. Classification should also reflect the category with the higher retention standard. Example: Misdemeanor arrest where the officers used force and completed a use of force report, category should be Use of Force.

In instances where both BWC and MAV video footage are available the officer should insure that all video is categorized and tagged the same.

Categories and retention period to use are:

Uncategorized	Default system setting, media not identified by officer	1 year
Other	The recording has no connection to an officers official actions; accidental activations, tests	2 days
Training	Videos done as part of training	1 year
Contact	Traffic incidents with no summons issued, non-criminal incidences, any routine contact that does not result in enforcement action or a case report or summons	60 days
Citizen Complaints	Non-criminal contact but concern about a citizen complaint or other unusual circumstance that may warrant the video being held longer than 180 days	1 year
Ticket	Any contact where a ticket, summons or PA is issued but an incident report is not generated	3 years
Report	Any incident where a report is generated; misdemeanor report, petty offense, non-fatal traffic accidents. Function tests will be classified as a report.	3 years
Use of Force	Any report in which a Use of Force Review Form is required	5 years
Felony	Any crime reported as a felony and fatal traffic accidents	10 years
Major felony	Crimes resulting in fatalities, sexual assaults, forgery, unrecovered firearms, kidnap, active missing persons.	Permanent

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Records Retention	ONLY for property custodian (systems implemented prior to 2022)	30 days

Existence of the recorded media should be noted in any related incident report.

422.7 REVIEW OF MAV RECORDINGS

When preparing written reports, membersmay review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct 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) By any member of the Department or assisting law enforcement agency 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.

(e) To assess function of a recording system.

(f) By an officer who is captured on or referenced in a recording for review and uses such date for official purposes.

(g) To assess possible training value.

(h) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief to determine if the training value outweighs the officer's objection.

(i) By the officer, Sergeant or property custodian performing categorizing or administrative tracking on the recording

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.

422.7.1 SUPERVISORY REVIEW

Supervisors or employee assigned, will randomly review videos generated by employees and evaluate the camera utilization to improve functionality, application, equipment selection, and policy utilization. Reviews will be documented.

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422.7.2 SECURED VIDEOS

In some instances, a video may need to be locked for a period to prevent the viewing to protect an internal investigation, privacy interest, criminal investigation or other official reason. The existence of the video and reason for the lock will be documented and included in any official report or investigation. The Chief of Police will have the final determinization if a video should remain locked based on the situation and records retention requirements.

422.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Except for law enforcement radios or other emergency equipment, other electronic devices should not be used inside a MAV-equipped law enforcement vehicle in order to intentionally interfere with the capability of the MAV system to record audio data.

(e) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings.

(f) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the department.

(g) Each MAV unit will be equipped with a USB drive intended to capture the last recorded event in case of an emergency, such as an accident. The USB drive is in a locked compartment and access will be gained with approval of the Captain or Chief.

(h) Temperature may affect the startup time for the MAV unit. When outside temperatures are below 32 degrees Fahrenheit officers may allow their vehicles to idle when parked for longer than 30 minutes.

(i) The MAV unit will stay on for 30 minutes after the vehicle ignition is turned off. Officers who are subject to calls for emergency response may allow their vehicle to idle while parked for longer than 30 minutes to avoid the potential of the camera needing to reboot while enroute to an emergency call. Alternately, officers are encouraged to turn off their vehicles and restart them every 30 minutes to reactivate the MAV Unit timer.

422.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule.

MAV recordings may be purged independent of the purging status of the related police report. Retention standards should be reviewed regularly to ensure that minimum retention lengths are consistent between components of a police report.

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422.10 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.

422.11 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Mobile Computer Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Computer System (MCS) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

423.2 POLICY

Gunnison Police Department members using the MCS shall comply with all appropriate federal and state rules and regulations and shall use the MCS in a professional manner, in accordance with this policy.

423.3 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).

423.4 RESTRICTED ACCESS AND USE

MCS use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MCS system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MCS by another member to their supervisors or Shift Supervisors.

Use of the MCS 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 MCS 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 MCS system unless directed to do so by a supervisor. Members are required to log off the MCS or secure the MCS when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING

Use of the MCS 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).

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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.

423.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift 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 MCS unless security or confidentiality prevents such broadcasting.

MCS and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MCS.

423.5.1 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 MCS 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 MCS when the vehicle is not in motion.

423.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

423.6 EQUIPMENT CONSIDERATIONS

Presently the Gunnison Police Department does not equip vehicles with MDTs. However, employees do have access to laptops and other portable computer type devices that will be used in compliance with this policy where applicable.

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423.6.1 MALFUNCTIONING MCS

Whenever possible, members will not use vehicles with malfunctioning MCSs. Whenever members must drive a vehicle in which the MCS is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MCSs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MCS could cause some devices to detonate.

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Portable Audio/Video Recorders

424.1 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 Gunnison Police Department facility or established interview room, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

424.2 POLICY

The Gunnison Police Department will provide sworn members with access to portable body worn cameras for use during the performance of their duties. Neighborhood Service non-sworn members of the department may have access to 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.

424.3 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.

424.4 MEMBER RESPONSIBILITIES

Prior to going into service, sworn member will be responsible for making sure that the member is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder 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 shift 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 and while interacting with the public with the purpose of enforcing the law or investigating possible violations of the law (CRS § 24-31-902).

When using a recorder, the assigned member shall test the recorder to insure it is functioning properly at the beginning of their shift (CRS § 24-31-902)..

In any report or other official record of the contact, members must document one of the following: the existence of a recording, the recorder malfunctioned, or the member deactivated the recording; members must also include the reason for deactivation.

Members shall notify the Captain in writing of any portable recording device that is not functioning so that it can be removed from service and repaired/replaced.

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424.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:

(a) Entering into a premises for the purpose of enforcing the law.

(b) Camera will be activated, prior to arrival, at any call for service.

(c) During a welfare check.

(d) During any interaction with the public initiated by the officer, whether consensual or nonconsensual, for the purpose of enforcement or investigation of violation of law.

(e) All enforcement and investigative contacts including stops and field interview (FI) situations

(f) Traffic stops including, but not limited to, traffic violations, and all crime interdiction stops

(g) Self-initiated activity in which an officer would normally notify the Communications Center

(h) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(i) performing a task inside the jail that requires an anticipated use of force, including cell extractions and restraint chairs.

At no time is a member expected to jeopardize the member's safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

424.5.1 AUDIO RECORDING

Body worn camera features are set up to pre-record 30 seconds before an event activation or to create an event utilizing the camera systems "record after the fact" feature. Events generated from "record after the fact" or the pre-record event section do not contain audio.

424.5.2 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).

424.5.3 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).

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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.

424.5.4 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.

424.5.5 RECORD AFTER THE FACT

"Record After The Fact" allows for the potential recovery of video footage, no audio, without the employing activating the record event. Length of time is dependent on camera use prior to the desired event recovery.

(a) Officer will create an event recording, utilizing record after the fact, for instances meeting department requirements to be recorded where a camera for any reason was not activated. Officers will document in their report the existence of an event recording utilizing "record after the fact" and will document the reason for utilizing the feature.

(b) Officers may be required to surrender a camera used by them to a supervisor or other designated employee as the result of an internal investigation or citizen's complaint, so that "record after the fact" footage may be obtained.

(c) Officers or investigators may also utilize "record after the fact" in furtherance of any investigation or official action when appropriate.

(d) "Record after the fact" will not be utilized as a general review of an officer's performance or actions unless connected to an official complaint, administrative investigation, or criminal investigation.

Any event created by use of "record after the fact" will be documented appropriately based on the reason the event was captured and recorded.

424.6 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 Chief of Police. Any member who uses a personally owned recorder for

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department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

424.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

Officers are responsible for downloading recorded media into the designated computer system for the recording device being used. Recorded media will be downloaded at the end of all shifts and may be downloaded throughout the shift based on available time.

Officers will be responsible for categorizing (tagging) and entering secondary tag (case or citation number) when appropriate, as soon as practical but no later than 24 hours after downloading. A supervisor or the evidence custodian may categorize recorded media as needed for release and evidence tracking.

Categorization is based on the crime investigated not just the crime charged. Example: investigation may be for a sexual assault but the charge filed is a misdemeanor assault, category should be Major Felony. Classification should also reflect the category with the higher retention standard. Example: Misdemeanor arrest where the officers used force and completed a use of force report, category should be Use of Force.

In instances where both BWC and MAV video footage are available the officer should insure that all video is categorized and tagged the same.

Categories and retention period to use are:

Uncategorized	Default system setting, media not identified by officer	1 year
Other	The recording has no connection to an officers official actions; accidental activations, tests not associated with start of shift checks.	2 days
Training	Videos done as part of training	1 year
Contact	Traffic incidents with no summons issued, non-criminal incidences, any routine contact that does not result in enforcement action or a case report or summons	60 days
Citizen Complaints	Concern about a citizen complaint or other unusual circumstance that may warrant the video being held longer than 60 days	1 year
Ticket	Any contact where a ticket, summons or PA is issued but an incident report is not generated	3 years

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Report	Any incident where a report is generated; misdemeanor report, petty offense, non-fatal traffic accidents. Function tests will be classified as a report.	3 years
Use of Force	Any report in which a Use of Force Review Form is required	5 years
Felony	Any crime reported as a felony and Fatal traffic accidents	10 years
Major felony	Crimes resulting in fatalities, sexual assaults, forgery, unrecovered firearms, kidnap, active missing persons.	Permanent
Records Retention	ONLY for property custodian (systems implemented prior to 2022)	30 days

Existence of the recorded media should be noted in any related incident report.

424.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members may review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct 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) By any member of the Department or assisting law enforcement agency 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.

(e) To assess function of a recording system.

(f) By an officer who is captured on or referenced in a recording for review and uses such date for official purposes.

(g) To assess possible training value.

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(h) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief to determine if the training value outweighs the officer's objection.

(i) By the officer, Sergeant or property custodian performing categorizing or administrative tracking on the recording.

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.

424.8.1 SUPERVISORY REVIEW

Supervisors or employee assigned, will randomly review videos generated by employees and evaluate the camera utilization to improve functionality, application, equipment selection and policy utilization. Reviews will be documented.

424.8.2 SECURED VIDEOS

In some instances, a video may need to be locked for a period of time to prevent the viewing to protect an internal investigation, privacy interest, criminal investigation or other official reason. The existence of the video and reason for the lock will be documented and included in any official report or investigation. The Chief of Police will have the final determinization if a video should remain locked based on the situation and records retention requirements.

424.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule.

Recordings may be purged independent of the purging status of the related police report. Retention standards should be reviewed regularly to ensure that minimum retention lengths are consistent between components of a police report.

424.10 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.

424.11 TRAINING

All members who are authorized to use the portable body worn camera system shall successfully complete an approved course of instruction prior to its use.

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Public Recording of Law Enforcement Activity

425.1 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.

425.2 POLICY

The Gunnison 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.

425.3 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.

425.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

425.5 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.

425.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa; CRS § 16-3-311):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

        (a) Before obtaining consent, the member shall provide the person with his/her identification, agency name and the reason the information is requested.

        (b) If the person voluntarily provides his/her device or media to the member, the search of the device or media shall be limited to the

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relevant recording and the device or media returned as soon as practicable.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department device.

3. Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

425.6.1 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).

425.7 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND .

a. If the officer filling the supervisory role is not a Sergeant or above a Sergeant will be notified at the earliest opportunity.

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Bicycle Patrol Unit

427.1 PURPOSE AND SCOPE

The Gunnison Police Department has established the Bicycle Patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

427.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, animal code enforcement, trail patrol, code enforcement 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. Minimum of one marked patrol vehicle must be on shift at all times.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Captain or the Shift Supervisor.

427.3 SELECTION OF PERSONNEL

All members of the police department may utilize bicycles for official duties, based on their physical ability and approved by the Captain or shift supervisor.

427.4 TRAINING

Bikes are considered an optional mode of transportation which may be used for general patrol and at special events. Members should not use the bike beyond their physical ability and/or training level.

427.5 UNIFORMS AND EQUIPMENT

Members shall wear the department uniform and safety equipment while operating the department bicycle. Safety equipment includes a helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts. Uniform apparel will be approved by the Captain.

Optional equipment includes a jacket in colder weather. Insulated clothing is permitted when worn under the uniform shirt, and a radio head set and microphone.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

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Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

427.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, and attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag or attached gear bag. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn/bell. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first-aid kit, security lock with chain/cable. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with flashing, oscillating or rotating red signal light that is visible from the front, sides or rear of the bicycle (CRS § 42-4-213).

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, the bike will be taken to an approved technician. For repairs estimated over $100 the officer will get supervisor approval.

Each bicycle will have scheduled maintenance twice yearly, to be performed by a repair shop/ technician that is approved by the Department.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the Captain or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

427.6.1 USE OF PATROL BIKES BY CIVILIAN EMPLOYEES

If a patrol bike is equipped with lights or decals for use by sworn officers the accessories shall be removed or covered. If accessories cannot be removed or covered the accessories will not be used by the civilian employee.

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427.7 MEMBER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Colorado law, unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

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Homeless Persons

429.1 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 Gunnison Police Department recognizes that members of the homeless community are often in need of special protection and services. The Gunnison 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.

429.1.1 POLICY

It is the policy of the Gunnison 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.

429.2 HOMELESS COMMUNITY LIAISON

The Chief of Police is designated 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.

429.3 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

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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.

429.3.1 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.

429.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures

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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.

429.5 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.

429.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Crisis Intervention Incidents

430.1 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.

430.1.1 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.

430.2 POLICY

The Gunnison 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.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental health disorder

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Section Supervisor 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).

430.5 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 available 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.

430.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

430.7 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.

430.8 SUPERVISOR RESPONSIBILITIES

A shift supervisor should respond to the scene of any interaction with a person in crisis. If, the shift supervisor is not a Supervisor, they should consider the need to notify an off duty Supervisor. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

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(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 Section Supervisor.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

430.9 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.

430.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

430.10 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.

430.11 EVALUATION

The supervisor 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

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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.

430.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

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Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 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) - A written memo, directed to the detectives office documenting the suspicious activity. Memo will be handled in accordance with current Intelligence File procedures.

431.2 POLICY

The Gunnison 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.

431.3 RESPONSIBILITIES

The Investigative Supervisor 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 Investigative Supervisor include, but are not limited to:

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(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

(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).

431.4 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 directed to the detectives office supervisor.

431.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigations supervisor
- Other authorized designees

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First Amendment Assemblies

432.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

432.2 POLICY

The Gunnison 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.

432.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disrupting lawful assembly. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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432.3.1 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.

432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or 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).

432.5.2 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.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

432.5.3 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).

432.6 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.

432.7 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, Remote Restraint Device 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, Remote Restraint Device and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

432.8 ARRESTS

The Gunnison 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).

432.9 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).

432.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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432.11 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 Communications Center records/tapes

(g) Media accounts (print and broadcast media)

432.11.1 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.

432.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

433.1 PURPOSE AND SCOPE

This policy provides members of the Gunnison 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.

433.2 POLICY

The Gunnison 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.

433.3 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.

433.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

433.4.1 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.

Officers should accompany the person to the location of the property. Officers 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 any person invovled in a civil assistance request, Officers will advise all parties of the existance of the order and allow contact only to the point that all parties are in agreement and the officer can supervise their actions.

If the party having possesion of any property is not present at the location, the officer will not allow entry into the location or the removal of property from the location until personal contact has been made by the officer to verify any removal planned.

433.5 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.

433.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Medical Aid and Response

434.1 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.

434.2 POLICY

It is the policy of the Gunnison Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

434.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

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

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

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

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs 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.

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434.4 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 shift supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

434.5 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 shift supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

434.6 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.

434.7 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).

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434.7.1 AED USER RESPONSIBILITY

AEDs are assigned as part of the patrol response bag patrol officer carry while on duty. Officers 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 Captain, along with a memo explaining the malfunction.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact the Communications Center as soon as possible and request response by EMS (CRS § 13-21-108.1).

434.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

434.7.3 AED TRAINING AND MAINTENANCE

The Captain 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 Captain 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).

434.8 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. (CRS § 12-30-110).

434.8.1 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 Captain.

Any member who administers an opiate antagonist should contact the Communications Center as soon as possible and request response by EMS (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

434.8.2 OPIATE ANTAGONIST REPORTING

Any member administering an opiate antagonist should detail its use in an appropriate report.

The Captain will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

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434.8.3 OPIATE ANTAGONIST TRAINING

The Captain should ensure training is provided to members authorized to administer an opiate antagonist.

The Captain should coordinate training with the prescribing medical professional (CRS § 12-30-110; CRS § 12-255-128; CRS § 12-280-123).

434.9 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 shift supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility requests a medical clearance, at any point prior to taking custody of an arrestee, the officer will arrange for the arrestee to receive a medical clearance.

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 shift supervisor's approval. This is to insure that the officer has proper safe guards while obtaining the medical clearance and that adequate patrol coverage is available for calls for service.

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.

434.10 RESPONSE TO EMERGENCY MEDICAL CALLS WITH KNOWN/SUSPECT CONTAGIOUS DISEASES

(a) Civilian employees will not respond to medical emergency, unless specifically requested by a sworn officer or the medical emergency occurs in their immediate presence.

(b) Employees who respond to or observe a medical emergency will assess the scene based on information from communications, individuals on scene and their observation prior to entering a building to provide medical care or rendering aid prior to ambulance arrival.

(c) Employees should not enter a building to perform medical procedures or perform medical procedures without wearing minimum PPE; eye protection (personal eyewear does not qualify), N95 mask, gloves and gown.

(d) Employees should not perform CPR or airway procedures on any individual unless wearing minimum PPE; eye protection (personal eyewear does not qualify), N95 mask, gloves and gown.

    1. Prior to starting any procedure, a surgical mask will be placed on the patients' mouth and nose.

    2. Employees' performing CPR will only perform chest compressions.

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3. Employees' administering Narcan will hold the surgical mask over the patients nose and mouth when administering the spray.
4. When EMS arrives on scene, Employees' are to leave the immediate vicinity of the patient unless requested to assist by EMS.

(e) When dealing with any medical call or death investigation, employee contact will be kept to a minimum by limiting employees present and involved in the scene.

(f) Employees will document in the RMS system any action taken in response to a medical call or death investigation. Report should include known or suspected contamination; identify treatment employee was present for and any use of PPE worn.

434.11 FIRST AID TRAINING

Subject to available resources, the Captain should ensure officers receive periodic first aid training appropriate for their position.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety though education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Gunnison 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.

500.3 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.

Traffic enforcement is a primary focus of the police department. When more than two uniformed patrol officers are on duty, the shift supervisor will designate a traffic officer. The officer designated

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to focus on traffic enforcement will notify communications that they are on "Directed Patrol - Traffic" and will be removed from the call rotation, except for emergencies.

500.4 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):

As speed relates to increased property damage and potential injury in accidents the department has adopted the expectation that citations should be issued at accidents when probable cause exists of a traffic violation, additionally officers are to issue written warnings and citations for speeding violations over 5 MPH. (Gunnison City Council motion adopted 04/11/2023)

500.4.1 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 a written warning be issued in compliance with the law, as outlined in the Bias-Based Policing Policy.

500.4.2 TRAFFIC CITATIONS

(a) 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:

1. Explanation of the violation or charge
2. Court appearance procedure, including the optional or mandatory appearance by the motorist
3. Notice of whether the motorist can enter a plea and pay the fine by mail or at the court
4. The court contact information

(b) Citations issued for a violation of model traffic code will require the issuance of a summons as custodial arrests are not approved by municipal court. Where a fine has been established or the violation is a traffic infraction the summons will be issued as a penalty assessment.

(c) Violation of state traffic laws classified as traffic infractions

1. Officer when citing a suspect for only traffic infraction(s) shall issue a penalty assessment (CRS § 42-4-1701(5)).
2. Officers when citing a suspect for traffic infraction(s) in connection to other traffic offenses will combine all violations on one summons. When allowed summon

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may be issued as a penalty assessment or served as any other summons (CRS § 42-4-1701(5)).

(d) Violation of state traffic laws classified as a misdemeanor, petty offense, or misdemeanor traffic offense

1. Officers when not required to make a physical arrest shall release defendants on a summons.
2. Summons may not be issued if he defendant can't furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will not appear in court

500.4.3 TRAFFIC CITATION COURT JURISDICTION
An officer who issues a traffic citation under a state statute shall ensure that the place specified in the summons, complaint or penalty assessment notice is within Gunnison county . (CRS § 42-4-1707(5)).

If the traffic citation is issued for a Model Traffic Code Violation the officer shall insure that the location specified in the summons, complaint or penalty assessment notice is within the City Limits of the City of Gunnison.

500.4.4 REFUSAL TO SIGN TRAFFIC CITATION
If the defendant is eligible to be issued a summons and complaint or a penalty assessment notice for a traffic violation, the defendant is not required to sign the penalty assessment notice orthe summons and complaint. (CRS § 42-4-1707)

500.4.5 PHYSICAL ARREST
Whenever a person is arrested for any violation of 42-4-1705(1) as a misdemeanor, the person shall be required to post bond, in any of the following cases:

(a) When a person arrested demands an appearance without unnecessary delay before a judge;

(b) When the person is arrested and charged with an offense under this article causing or contributing to an accident resulting in injury or death to any person;

(c) When the person is arrested and charged with DUI, DUI per se, or UDD;

(d) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(e) In any other event when the provisions of section 42-4-1701 (5)(b) and (5)(c) apply.

Physical arrests shall not be made for Model Traffic Code violations.

500.5 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.

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(a) For restraints based on any violation not related to a conviction for DUI, DUI per se, or DWAI the driver shall be issued a citation and released as this is a class A traffic infraction.

(b) Restraints based on a conviction for DUI, DUI per se, or DWAI are classified as a class 2 misdemeanor traffic offense and a summons or arrest may be made. Reference related policy Summons Release.

500.6 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests 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.

500.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each patrol and investigation unit, and in the saddlebag or gear bag of each police bicycle. Each vest should be stored to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is readily available for use.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Captain should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Accident Response and Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Gunnison Police Department prepares traffic accident reports in compliance with CRS § 42-4-1606 and as a public service makes traffic accident information available to the public.

501.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an accident, should consider the following:

(a) The most appropriate route to the incident

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene

(c) Potential for involvement of hazardous materials

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary

(f) Traffic control and protection of the scene

(g) Clearance of the roadway

501.3 ACCIDENT INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

(a) Identification and interview of all involved parties

(b) Identification and interview of any witnesses

(c) Determination if any crime has occurred and taking appropriate enforcement action

(d) Identification and protection of items of apparent evidentiary value

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

501.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Colorado law led to the accident, officers should issue a traffic citation or

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a misdemeanor citation to the offending driver. Officers may arrest a person when there is probable cause to believe that an offense was committed by the person to be arrested (CRS § 16-3-102).

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize forms approved by the Department of Revenue, Motor Vehicle Division (CRS § 42-4-1608) for the reporting of traffic accidents which meet the states reportable accident definition. All other accident reports will be documented on the department approved form or by notation on the state form “not for state” or “NFS”. (CRS § 42-4-1606).

Officers must complete the required accident form within 48 hours of receiving information on an accident or upon completion of their investigation.

Officers will follow the guidelines established in the current Colorado Traffic Accident Reporting Manual when completing the accident state form. Where applicable the same standard will be used for local reporting form.

501.5.2 RECORDS OFFICE RESPONSIBILITIES

The records office will be responsible for:

(a) Forwarding the state traffic accident report to the Department of Revenue, Motor Vehicle Division within five days of the department 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).

501.5.3 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES

Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A copy of the accident report will be forwarded to the Finance Director and to the fleet manager as soon as the report is available.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

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Either driver may request Colorado State Patrol to complete the investigation if they are available.

501.6.2 ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES OR IMMEDIATE FAMILY MEMBERS

(a) Accidents involving Gunnison Police Personnel or the officer's family members may be referred to Colorado State Patrol for investigation if available. If not available, the Chief of Police or shift supervisor will assign an officer to investigate the accident.

    (a) A police supervisor will respond to the scene of any accident involving a department vehicle and will evaluate the incident.

501.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Patrol Sergeant or Shift 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.

501.6.4 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS
Department members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

501.7 NOTIFICATION OF PATROL SERGEANT

In the event of a serious injury or death-related traffic accident, a Sergeant or ranking supervisor will be notified.

501.8 NOTIFICATION OF NEXT OF KIN

If a traffic accident causes a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s next of kin or coordinate such notification with the Coroner, chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

Law Enforcement Victim Advocate may be notified for any accident involving serious bodily injury or a fatally, even if not a VRA related incident.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim’s next of kin.

501.9 ACCIDENT ALERT

Occasionally the police are unable to respond to accidents in a timely manner because of other more serious emergencies or a combination of snow, weather, and traffic conditions that result in a large number of minor traffic accidents in a very short time. When these kinds of emergencies occur, the department may declare an "Accident Alert". Motorists involved in minor accidents would be instructed to come to the Police Department to complete a Counter Report for the accident.

(a) The Chief of Police or the highest ranking officer pursuant to the **ORDER OF SUCCESSION Standard** will declare the Accident Alert. Issuance of Accident Alert status will be communicated to the public through normal public information outlets.

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(b) Persons involved in minor (Not For State) Public Property or Private Property accidents will be instructed to complete a Counter Report **unless** the accident involves alcohol, injuries, no insurance, or a hit & run with the victim still at the scene.

(a) Persons involved in an accident during an Accident Alert that does not require response by an officer will be provided an Accident number by the Gunnison Communication Center and will be instructed to respond to the Police Department as soon as possible to complete a Counter Report. Information they must have to complete the form accurately is as follows:

(a) Name and address of driver(s) involved

(b) Name and address of all passengers

(c) Exact location of the accident

(d) Drivers license, registration and insurance

(c) The Accident Alert will be terminated as soon as conditions stabilize and personnel are available for normal levels of police service.

(d) Counter Reports will consist of a report form developed by the Department for this purpose. Counter reports will be available from Police Records Monday through Friday from 8 AM to 5 PM. An Incident Report number will be assigned and information from the report will be entered into the Accident file in the department database by Records at a later date.

(e) Traffic citations will not be issued on the basis of Counter Report information with the exception of insurance violations.

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Vehicle Towing and Release Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Gunnison Police Department and under the authority of CRS § 42-4-1803.

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 COMPLETION OF VEHICLE IMPOUND/STORAGE FORM

Department members requesting towing of a vehicle shall complete a vehicle tow/impound sheet that includes written authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle and property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practicable after the vehicle is stored.

A copy of the impound/storage form shall be provided to the Property Custodian, by the records office, as soon as filed so the vehicle can be tracked for proper disposal. The Property Custodian will insure that a copy of the vehicle tow/impound sheet is mailed or physically provided to to the registered owner of the vehicle.

502.2.2 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies.

502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

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502.2.5 RECORDSBUREAU RESPONSIBILITY

Approved vehicle tow/impound sheets shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Records Section personnel should promptly enter (or verify prior entry) pertinent data from a completed vehicle tow/impound sheet into the Motor Vehicle Verification System to determine if the vehicle has been reported stolen (CRS § 42-4-1804).

502.2.6 PROPERTY CUSTODIAN RESPONSIBILITY

Property custodian will be responsible for working with the impounding Officer or Supervisor and the tow company to track the impounding and release of towed vehicles. The following forms and notifications will be made, as needed, notify registered owners and lien holders from impound to disposal if unclaimed.

(a) The Property Custodian will insure that a copy of the vehicle tow/impound sheet is mailed or physically provided to to the registered owner of the vehicle.

(b) No later than 10 working days after a vehicle has been towed by this department, Property Custodian shall report the towing and related information to the Department of Revenue, Motor Vehicle Division as required by CRS § 42-4-1804(1)(b).

(c) Property Custodian shall make a good faith attempt to notify the owner or lien holder of abandoned vehicles within 10 working days after receipt of a vehicle impound/storage form pursuant to (CRS § 42-4-1804(4)(a); CRS § 42-4-1804(4)(b)). The notice shall inform the owner that he/she can request a hearing concerning the legality of the towing of the abandoned motor vehicle (CRS § 42-4-1804(4)(c)).

(d) The Property Custodian should use the notice forms available from the Department of Revenue, Motor Vehicle Division when sending required notices to the owners or lien holders of stolen or abandoned vehicles (CRS § 42-4-1804(5)).

(e) Vehicles unclaimed after 30 days are subject to sale per state statute and municipal ordinance. Vehicles unclaimed after 30 days will be sold at public auction as soon as possible after the 30 day holding period.

502.2.7 IMPOUNDING OFFICER RESPONSIBILITY

Impounding Officer will determine when the vehicle is cleared for release to the owner. The impounding officer will communicate with the tow company, the owner and the Property Custodian to insure the owner is notified and claims any vehicle impounded as soon as possible.

502.3 TOWING SERVICES

Since the City of Gunnison does not operate a towing service, the department must rely on the private towing services available through the private sector as controlled by appropriate statutes. A private tow service is operated under Public Utilities Commission (PUC) license to insure quality and fairness of service to the public.

The Police Department will not discriminate in favor of or against any towing service that is duly licensed and operated within City and State requirements.

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Towing services will be notified on a call rotation basis, except that the Gunnison Police Department may inter into agreements for specific type of tow services in which the call rotation will not apply

502.3.1 IMPOUND LOCATIONS
Towing services used will provide impound locations for vehicles towed.

If the vehicle is being impounded as part of a criminal investigation and the vehicle or continents need to be protected for evidentiary value the vehicle may be secured at the police department or approved locations at the city shop to protect the integrity of the evidence. Vehicle will be processed and released as soon as evidentiary value is determined and approved by the district attorney's office, if necessary.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle 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
- With the owner/operators permission officer may move a vehicle to a safe location if it can be done so safely

502.5 VEHICLE INVENTORY

Officer do not have to complete a detailed inventory list of property contained in a vehicle towed for storage/impound. Contents of all vehicles towed for storage/impound will be documented by video recording. Documentation isfor 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. Items which could poss a threat to the community or valuable and can not reasonably be secured in the vehicle should be impounded for safekeeping, The driver/owner of the vehicle when present may also provide reasonable direction on safekeeping for their property.

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502.5.1 SEARCH WARRANT CONSIDERATION

Officers should be mindful that an inventory search is intended for the protection of the owners property and to protect the officer and department against fraudulent claims of lost, stolen or damaged property. If the officer has towed a vehicle and has probable cause to believe a search is necessary to obtain evidence as part of a criminal investigation the vehicle should be impounded in a secure location, taking reasonable steps to document the vehicle condition and property present pending a search warrant application.

502.6 PRESERVATION OF EVIDENCE

An officer removing a vehicle pursuant to CRS § 42-4-1803, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.7 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

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Impaired Driving

504.1 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).

504.2 POLICY

The Gunnison 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.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Captain will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in Colorado or another jurisdiction.

504.4 FIELD TESTS

The Captain should identify the standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent under Colorado law to a chemical test or tests, and to providing the associated chemical sample, when an officer has probable cause to believe that the person was driving a motor vehicle in violation of CRS § 42-4-1301 (DUI, DUI per se, DWAI, or UDD) (CRS § 42-4-1301.1).

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If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 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).

504.5.2 BREATH SAMPLES

Officers assigned as an Intoxilyzer Instructor 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 anIntoxilyzer Instructor and the Captain.

504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (CRS § 42-4-1301.1). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

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504.5.4 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.

504.5.5 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.

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (CRS § 42-4-1301.1).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

504.6.1 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).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

(c) Exigent circumstances exist and the officer has probable cause to believe the person committed any of the following offenses (CRS § 42-4-1301.1):

1. Criminally negligent homicide
2. Vehicular homicide
3. Assault in the third degree

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4. Vehicular assault

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted. Officers may physically restrain a person for the purpose of obtaining a sample only in cases of criminally negligent homicide, vehicular homicide, assault in the third degree, vehicular assault or aggravated vehicular unlawful termination of pregnancy (CRS § 42-4-1301.1; CRS § 18-3.5-108).

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

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504.7.1 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).

504.7.2 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.).

504.7.3 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).

504.7.4 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).

504.7.5 OFFICER RESPONSIBILITIES

An officer believing that a person should be subject to license revocation as a result of DUI shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126):

(a) A copy of the completed notice of revocation form

(b) A copy of any completed temporary permit

(c) The person's driver's license

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(d) An affidavit, signed, dated and sworn to by the officer containing information relevant to the legal issues and facts to be considered by the DMV for revoking the person's license

504.7.6 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).

504.7.7 UNCONSCIOUS OR DECEASED PERSONS

If an officer believes a person to be DUI and the person cannot submit to a chemical test because the person is unconscious, hospitalized, or undergoing medical treatment, the officer may (CRS § 18-3.5-108; CRS § 42-4-1301.1):

(a) Have access to and analyze any blood, urine, or saliva that was obtained and not utilized by the health care provider.

(b) Have access to medical tests administered by the health care provider that show test results of the alcohol or drug content in the person's system. The provisions of CRS § 13-90-107 relating to physician privileged communications do not apply to such test results.

In addition, the blood or urine sample of any deceased driver or pedestrian at least 15 years of age shall be tested for alcohol, drug, and carbon monoxide concentration following the procedures established by the Department of Public Health and Environment (CRS § 42-4-1301.1; CRS § 42-4-1304).

504.7.8 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).

504.8 RECORDS SECTION 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.

504.9 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.

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An officer called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

The Captain 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 Captain should confer with the prosecuting attorney’s office and update training topics as needed.

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Traffic Citations

505.1 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.

Department utilizes a combined traffic/criminal citation.

505.2 RESPONSIBILITIES

Employees of this department shall use the approved traffic citation for all traffic offense citations.

The development and design of all Department traffic citations shall be in compliance with state law (CRS § 42-4-1707).

The Records Section is responsible for the supply and accounting of all traffic/criminal citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by the Records Section staff.

Citations will be sequentially numbered. All citations including those issued to officers will be audited annually.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a traffic citation once it has been filed with the court. Only the court has the authority to dismiss a citation that has been filed. Any request from a recipient to dismiss a traffic citation shall be referred to the issuing officer. If the issuing officer has cause to dismiss a traffic citation on review they will notify the appropriate prosecutor with a request for dismissal. Upon a review of the circumstances involving the issuance of a traffic citation the Captain or Chief may recommended dismissal of a traffic citation. The appropriate prosecutor will be notified 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 Section Section Supervisor for review.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not filed with the court. 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 Office.

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505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation, prior to filing with the court, can contact the defendant and arrange to reissue the citation. The original citation will be collected and voided with the new citation submitted to the court. If, the citation has already been filed with the court, the issuing officer with the appropriate court or prosecutor will determine how to amend the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be submitted for review at the end of shift. Completed citations will be forwarded to the records office for filing with the proper court and prosecutor.

Upon separation from employment with this department, all employees who were issued traffic citations shall return any unused citations to the Records Section.

505.7 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.

505.8 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.

(a) Officer will also complete and serve state form DR2334, Advisement Reguarding a Penalty Assessment/Summons and Complaint

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Disabled Vehicles

506.1 PURPOSE AND SCOPE

The Gunnison Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

506.2 OFFICER_DEPUTY 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.

506.3 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.

506.3.1 MOVING DISABLED VEHICLES

Department personnel shall not make mechanical repairs to a disabled vehicle. The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle. Officers should exerise caution when moving disabled vehicles keeping the public and their safety in mind. Moving disabled vehicles is covered by CRS § 42-4-1803(2).

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Gunnison Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INVESTIGATIVE PROCEDURES

The Detective Sergeant shall be involved in developing, maintaining and reviewing detailed investigative procedures. Such procedures may include:

(a) Case file management.

(b) Preliminary and follow-up criminal investigation checklists.

(c) Multijurisdictional investigative task force roles and responsibilities.

(d) Polygraph or other truth-telling device examinations.

(e) Cold case definition, evaluation criteria and documentation.

(f) Undercover, surveillance/stakeouts, informant/decoy and raid operations, including use of surveillance and undercover equipment.

(g) Photographic (conventional and digital) and other digital evidence collection.

(h) Known source evidence collection for physical evidence comparison.

(i) Forensic laboratory evidence submission.

(j) Latent fingerprint preservation.

(k) Any additional accreditation-mandated procedures, including a case screening system that identifies and considers solvability factors, and advising the Chief of Police of investigative activities on major or sensitive cases.

600.4 INITIAL INVESTIGATION

600.4.1 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:

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(a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.

(b) Determine if additional investigative resources (e.g., investigators, scene processing) are necessary and request assistance as required.

(c) If assistance is warranted, or if the incident is not routine, notify a supervisor or detective.

(d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

(e) Collect any evidence.

(f) Take any appropriate law enforcement action.

(g) 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.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies (CRS § 16-3-406). Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 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 Gunnison 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.

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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 Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.6 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.

Cases which meet the cold case definition under Victims Right Act have specific requirements to be met before closure of the case.

600.6.1 CLOSED CASES

Officers, assigned to a case, will keep victims aware of the current status of their case until closed.

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Prior to discontinuing an investigation, inactivating a case, the officer will make personal contact with the victim to insure they are aware of the case status. If, personal contact can not be made, notification may be by mail with a copy of the letter added to the case file.

600.7 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.

600.8 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).

600.8.1 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.

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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.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a supervisor or the Chief of Police.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 18, Article 3, Part 4 (Unlawful Sexual Behavior) of the Colorado Revised Statutes.

601.2 POLICY

It is the policy of the Gunnison Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

The Law Enforcement Victim Advocate will be notified of all reported sexual assault. The advocate may respond to the scene or other location to meet with the victim.

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 investigator or senior officer assigned by a supervisor.

Victim interviews should be video recorded when possible.

No opinion of whether the case is unfounded shall be included in a report.

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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.

601.4.1 TRUTH VERIFICATION EXAMINATIONS

Members of the Gunnison 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).

601.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. 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. (CRS § 18-3-407.5)

No Gunnison Police Department member shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5).

601.5.1 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).

(d) Participate in the Colorado Department of Public Safety (DPS) statewide sexual assault evidence collection kit system for monitoring the status and location of the victim's sexual assault kit as required by CRS § 24-33.5-113.5.

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Forensic evidence associated with an anonymous report made pursuant to CRS § 12-240-139 shall not be submitted to a laboratory for testing (CRS § 18-3-407.5).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.5.2 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).

The Law Enforcement Victim Advocate may be used as a resource when delivering 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.

601.6 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations supervisor.

Classification of a sexual assault as unfounded requires the Investigations supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted 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).

601.7 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

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Eyewitness Identification

604.1 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).

604.1.1 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.

604.2 POLICY

The Gunnison 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.

604.3 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).

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time, and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (CRS § 16-1-109).

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as 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).

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (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 should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (CRS § 16-1-109).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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604.6.1 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 Section 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

604.7 PUBLIC ACCESS TO POLICY
This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

604.8 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.

604.9 FIELD IDENTIFICATION CONSIDERATIONS
Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.

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2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up shall not be handcuffed or in a patrol vehicle (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 suspects, 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 clothing worn by the suspect, to speak words uttered by the suspect, or to perform other actions mimicking those of the suspect (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.

604.9.1 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.

(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.

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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 be 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).

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Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Gunnison Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Gunnison 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 Gunnison 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.

605.3 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.

605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the

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officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.

1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

605.4.1 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.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the

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information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

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Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 AGENCY ASSISTANCE

The Gunnison Police Department does not operate a Unmanned Aerial System. Systems are available locally and from regional government agencies and may be requested with a Supervisors authorization.

Authorization should be based on need and availability of agency to assist.

The assisting agency should provide and operate the UAS in accordance with their established policies.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy

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interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be documented as an official record and retained as provided in the established records retention schedule.

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Warrant Service

607.1 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.

607.2 POLICY

It is the policy of the Gunnison 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.

607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all warrant services where officers determine a risk higher than normal may exist 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.

607.4 SEARCH WARRANTS

If an officer reasonably believes that serving a search warrant may pose a higher risk than commonly faced on a daily basis, the officer should notify the operation director and/or a supervisor 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.

607.5 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 notify the operations director and/or a supervisor for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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607.5.1 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.

607.6 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 (CRS § 16-3-303; CRS § 16-3-305).

1. No-knock warrant applications shall be consistent with the requirements of state law (CRS § 16-3-303).

(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).

607.6.1 WARRANT REVIEW

(a) Patrol officers prior to starting on a warrant affidavit should notify a shift supervisor to ensure that the time required will not interfere with other duties. Shift Supervisor should consider schedule changes or call out when appropriate to cover shifts.

(b) All warrants will be reviewed by a supervisor prior to being presented to a District Attorney or City Attorney, as appropriate, for review. Once approved by a District Attorney or City Attorney the warrant may be presented to a judge of the appropriate jurisdiction.

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(c) Once the affidavit and warrant are signed, the warrant will be filed with the appropriate court. Warrants obtained after business hours will be filed the next business day.

(d) A copy of the warrant and affidavit will be placed in the case file.

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded as required by CRS § 24-31-902 (CRS § 16-3-305).

(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) An inventory 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.

607.8 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

607.9 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

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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.

607.10 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.

607.10.1 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.
- The date and time the return of service was filed with the courts and name of the employee that filed the documents.

607.11 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

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- 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 Gunnison Police Department are utilized appropriately. Any concerns regarding the requested use of Gunnison 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, a supervisor should assume this role.

If officers intend to serve a warrant outside Gunnison 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 Gunnison Police Department when assisting outside agencies or serving a warrant outside Gunnison Police Department jurisdiction.

607.12 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.

607.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

607.14 TRAINING

The Captain should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

608.1 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.

608.1.1 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.

608.2 POLICY

It is the policy of the Gunnison Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, such as CIACC or personal contact with regional and local law enforcement agencies having jurisdiction in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Special Weapons and Tactical (SWAT) Team leader is designated as the operations director. When the SWAT Team Leader is not available then the role will be filled by the alternate SWAT Team Assistant or a Sergeant designated by the Captain.

The operations director will develop, plan and coordinate high-risk operations.

608.4 RISK ASSESSMENT

608.4.1 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:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

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(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).

608.4.2 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 the operations director.

The Captain 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.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the Captain and 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. Special Weapons and Tactics Team (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property Office or analytical personnel to assist with cataloguing seizures

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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.

608.5 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.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives, and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental health disorder issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams, and other visual aids

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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 (CRS§ 16-3-305).

(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.

(m) Requirements for no-knock entries as provided in CRS § 16-3-305 and CRS § 16-3-312.

608.6.1 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.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the Captain shall work together to develop a written plan. The Captain 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 Captain shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 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

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(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

608.10 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.

608.11 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.

608.12 TRAINING

The Captain 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.

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Forensic Genetic Genealogy

609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

609.2 POLICY

The Gunnison Police Department's use of FGG will be in coordination with prosecutors, the Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. The unidentified human remains of a suspected homicide victim.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Coroner.

609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Coroner for an amendment to a certificate of death.

609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Property Custodian and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report, through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the Captain that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(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.

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700.2.2 SUPERVISORY ROLE

Supervisors when made aware of property which is damaged, lost or unservicable will provide replacement property, if in stock. Update property management system and notify Captain so that additional supplies can be maintained.

For items that can not be replaced the Supervisor will insure that the Captain is advised so that replacement property can be ordered or repairs scheduled. Status of property will be updated in the property management system.

Supervisors will insure that damaged or unservicible equipment is not used. If the property is assigned to a vehicle or is a vehicle a determination will be made as to the safety of the employee or public if the vehicle is left in operation.

Supervisors will assess the use of property reported damaged, lost or unservicible and make recommendations through the chain of command if lose or damage is the result of negligence, inproper use, carlessness, training, storage or policy.

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. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Police Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made by memo, submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the Captain that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the finance department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

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700.3.3 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(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 Gunnison, 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 Captain.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, 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, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2 POLICY

The Gunnison Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. 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 PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-

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duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, 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.

Members may utilize a department issued PCD off-duty for official business, subject to compensation policy.

Members desiring to utilize the department PCD instead of a personal PCD will ensure, with a supervisor, that the proper device is specified. Members are not compensated for being on call, required to carry a PCD at all times, but are required to have a communication means to be notified by in case of departmental need or in an emergency.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any department 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 or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

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(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Gunnison Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

701.6 USE OF PCD

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). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications 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) Members are prohibited from taking pictures, audio or video 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 requires the express authorization of the Chief of Police or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

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701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating non-emergency vehicles 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.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

701.10 RELATED CITY OF GUNNISON POLICY

City of Gunnison, Employee Handbook, 8.11 Communications Systems G and H are applicable and relate to employee use of cell phones.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE 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.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Damage to a vehicle caused by negligence of the employee is cause for disciplinary action, and repair costs may be the responsibility of the employee. Damage to the vehicle of any type for which the employee is not at fault or is not negligent will be repaired at no cost to the employee.

All damage will be reported, in writing, to a supervisor and the Fleet Manager.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 VEHICLES ASSIGNED TO SWORN OFFICERS

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:

- 4 traffic cones
- chalk or spray marker
- 1 roll crime scene barricade tape
- 1 fire extinguisher
- 1 Measure device, either tape or roller
- 1 traffic safety vest

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- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- Rain gear
- 1 Spare tire, jack, and lug wrench
- ice scrapper (seasonal)
- 1 patrol bag (check out at beginning of shift)
- 1 blanket

702.3.2 VEHICLES ASSIGNED TO CIVILIAN EMPLOYEES
An employee driving a civilian Department vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- 4 traffic cones
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 traffic safety vest
- Rain gear
- 1 Spare tire, jack, and lug wrench
- ice scrapper (seasonal)

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, vehicles shall not be placed in service that have 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.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

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.

702.6 CIVILIAN EMPLOYEE USE OF VEHICLES ASSIGNED TO SWORN OFFICERS
Civilian employees using vehicles assigned to sworn officers shall ensure all weapons are removed from the vehicle before use. Civilian employees shall also prominently display the "out of service" placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department-owned vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Gunnison to provide assigned take-home vehicles.

703.2 POLICY

The Gunnison Police Department provides vehicles for department-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 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.

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.

703.3.2 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. Vehicles should not be left running except when it is necessary (e.g., continued activation of emergency lights, canine safety, equipment charging, equipment affected by tempature). 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.

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703.3.3 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.

(a) Otherwise authorized riders may include individuals that need a ride from one location to another and the time taken to provide the ride does not interfere with the officers duties or present a safety risk to the individual or officer.

703.3.4 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.5 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.

703.3.6 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Captain, Chief of Police or Fleet Manager, as appropriate.

703.3.7 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.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 20-minute drive time) of the Gunnison City limits.

(d) Vehicles will be locked when not attended.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Gunnison is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Gunnison may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Section Supervisor gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Section Supervisors and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Section Supervisors.
4. When the vehicle is being used by the Chief of Police, Section Supervisors or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MCS and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

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(f) Unattended vehicles are to be locked and secured at all times.

1. All weapons shall be secured while the vehicle is unattended.
2. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(h) The member is responsible for the care and maintenance of the vehicle.

(i) The member lives within a 20 minute drive time of the Gunnison City limits. See City Employee Handbool for clarification on drive time calculations.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Gunnison Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the departmentor fleet.

(d) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the schedule board.

(e) All weapons shall be removed from any vehicle left for maintenance.

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(f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 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 a supervisor .

Copies of all records pertaining to accidents or damage to department vehicles will be forwarded to the Chief of Police, by the supervisor, following an administrative review.

703.6 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

703.7 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 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. Documentation will be on the City Travel Form.

(b) Members passing through a toll plaza or booth, without immediate payment options, shall notify, in writing, the Captain within five working days .

703.8 SPECIAL PURPOSE VEHICLES

The Chief of Police or the authorized designee shall ensure that procedures are established governing the use of all special purpose vehicles. Special purpose vehicles include, but are not limited to:

- Vehicles used by tactical teams.
- All-terrain vehicles.
- Off-road vehicles.
- Aircraft.
- Water vessels.

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- Vehicles used for emergency response callouts or special events.

The procedures should include, but are not limited to:

- Objectives of the vehicle's use.
- Authorized uses (e.g., who can use the vehicle, when the vehicle can be used, limitations when using the vehicle).
- Instructions for vehicle use.
- Training or qualifications required for a member to operate the vehicle.
- Assignment of vehicle maintenance responsibilities.
- Equipment assigned to the vehicle (including emergency lights and siren).

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Cash Handling, Security and Management

704.1 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.

704.2 POLICY

It is the policy of the Gunnison 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.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

(a) Instigative funds, managed by Detective Supervisor

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.

704.4 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.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and Captain, review the ledger and verify the accuracy of the accounting. The fund manager and Captain 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 annually and reported to the City Finance Office.

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704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Investigations 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.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

802.1 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).

802.2 DEFINITIONS

Definitions related to this policy include:

Abandoned Property - Personal property left by an owner who intentionally or apparently relinquishes all rights to its control or fails to exercise control when notified.

Confiscated Property - Property that is removed from its custodian for legitimate reasons. Confiscated property is legally seized that is not evidence and may be destroyed by the Property Custodian upon receipt and after following the normal procedures for the destruction of property.

Dangerous Drugs - Narcotic drug, controlled substance, or a controlled substance analog; any drug unsafe for self-use that is not under the supervision of a doctor or other healthcare provider.

Evidence - Items taken or recovered during an investigation that may be used in the prosecution of a case.

Found property -Items which are not evidence but would appear to have a value to the person who lost the item. Ownership of the property is generally not known.

Hazardous Materials - Substances or chemicals that pose a health hazard, a physical hazard, or harm to the environment.

Junk - Any property not held as evidence and does not have any fair market value or worth

Money - A denomination of coin or paper money generally accepted as a medium of exchange, including negotiable instruments such as a money order, promissory note, etc. Coin or paper money may also be referred to as currency.

Owner - A person that has a legal, beneficial, or equitable interest in property, or a person's legal representative acting on behalf of an owner.

Person – Individual, estate, business association, public corporation, government or governmental subdivision, agency, instrumentality, or other legal entity.

Property Custodian – Police department employee or officer assigned to the Property Office.

Safekeeping - The same as found property except the owner is known and it can be released at a predetermined time. Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

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802.3 PROPERTY OFFICE MANAGEMENT AND RESPONSIBILITIES

802.3.1 PROPERTY CUSTODIAN

The Chief of Police shall designate a Property Custodian who will be responsible for management of non-departmental property collected by the police department.

802.3.2 PROPERTY OFFICE SECURITY

The Property Custodian shall maintain secure storage and control of all property necessitating custody by the Department. The Property Custodian reports to the Chief of Police and is responsible for the security of the Property Office. Property Office control is maintained by use of a controlled access card system maintained by the Captain and Chief of Police. The Property Custodian, the Captain and the Chief of Police shall not loan access cards to anyone and shall maintain access cards in a secure manner.

When the Property Custodian is unavailable the Captain or the Chief of Police may access the the property room. Date and time of entry shall be recorded on the log sheet providing a reason for the entry.

802.3.3 INSPECTIONS OF THE PROPERTY OFFICE

On an annual basis, the Chief of Police 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, as directed by the Chief of Police.

(b) An annual audit of property and evidence held by the Department shall be conducted by an individual 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 Room, an inventory of all evidence/property shall be made by an individual not associated with the Property Room 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.

802.4 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in their control 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.

802.5 PROPERTY BOOKING PROCEDURE

All property must be booked into evidence prior to the employee going off-duty, unless approved by a supervisor. Employees booking property shall observe the following guidelines:

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(a) Complete the RMS property entry describing each item separately, listing all serial numbers, owner's name, reporting person's name and other identifying information or markings.

(b) Members must document the circumstances detailing how the property came into their possession. Documentation should be in accordance with the Report Preparation Policy and should include photographs of the property, if appropriate.

(c) Property Intake - Upon receipt of property, department personnel shall:

1. Mark each item of evidence with case number, property number, initials, and date.
2. Marking may be placed on the item, on a tag attached, or on the outside of the package holding the item, as appropriate.
    (a) The identification mark should never be placed where evidentiary traces may exist (e.g., fingerprints, ballistic markings, bloodstains).
    (b) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Temporary Storage

1. After packaging, place the item in one of the temporary storage lockers, close and ensure that the door is locked.
2. A slot is provided in the wall of the property room to deposit small packages of evidence. All small items that are not breakable can be deposited in this fashion. Items containing liquids shall not be put through the drop slot, nor should items that are breakable.
3. When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in the property office. The Property office is to always remain locked when not occupied and secured by access control cards and video monitoring.
4. Items too large or unsafe to bring into the property office will be placed in the outside bike storage area, long term storage area or other area as approved by a supervisor. The area and/or item will be secured as best as possible to maintain chain of custody and identification of tampering.

(e) Storage

1. The Property Custodian shall remove the item(s) from the temporary storage lockers as soon as possible and move the item(s) to the Property Room.
2. The Property Custodian will place the property on appropriate shelving.
    (a) Money, narcotics, and firearms will be secured inside the property room separate from other property.
3. Property which will be held for extended periods will be transferred to long term storage.

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802.5.1 BOOKING NARCOTICS AND DANGEROUS DRUGS

(a) All narcotics and dangerous drugs shall be booked separately using a separate property record.

(b) Drug and narcotics paraphernalia shall be booked separately

(c) Drugs shall be kept in a locked cabinet within the property room.

(d) Employees will wear protective gloves at a minimum when handling any controlled substance.

(e) Dust masks and glasses shall be worn when dealing with powders or substances that may become airborne

Naloxone will be available in all areas of the police department where substances are being handled that could contain an opioid.

802.5.2 BOOKING EXPLOSIVES AND HAZARDOUS MATERIALS

(a) Explosives will not be retained in the police facility.

(b) Fireworks will not be brought into the Police Department. Officers shall photograph and document any fireworks before placing them in a container filled with water until saturated. Officers may then dispose of the fireworks, documenting the process in their report.

(c) Containers of combustible materials such as acetylene, butane (i.e., lighters, lithium batteries, vape pens, torches), oxygen, propane, etc., should not be collected for the mere purpose of proving the use or possession of drugs or drug paraphernalia. Officers should adequately document and photograph these containers.

1. Personal items collected for safekeeping as part of a prisoner's personal property (802.7.4) or individuals personal property may be held.

(d) Hazardous Material are not initially allowed into the Police Department or inside property storage areas. All hazardous material will be temporarily stored outside in the bike storage area.The officer responsible for impounding will notify the Property Custodian as to the nature of the material and its location. For items having no evidentiary value, the Property Custodian will be responsible for the immediate and proper disposal of the material utilizing only approved methods and guidelines. Extreme caution should be taken by all who handle or encounter hazardous material, including the wearing of protective clothing.

1. Hazardous material that is evidence that must be stored for any period will be stored after consulting with Gunnison Hazmat.

802.5.3 BOOKING MONEY

When possible, money will be counted in the presence of another employee, photographed and the currency envelope signed by both employees. When a second employee is not available the counting will be documented on video.

(a) All money will be held in a separate and secure area within the property room.

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(b) Coin(s) should be counted

1. Large quantities of coin can be submitted by weight when counting is impractical, with approval of a supervisor.

(c) Money may be deposited with the City of Gunnison Finance Department and held in an account for safekeeping. To limit the total dollar amount of money in property room.

1. Any single case with $500 or more will be deposited with the City of Gunnison.
2. Exception would be cases where the District Attorney or Investigating Officer want the money itself held as evidence (i.e., serial numbers, DNA, etc.)

802.5.4 PRISONER PROPERTY/SAFEKEEPING

(a) Prisoner property that is not accepted by the jail will be stored in a safekeeping location within the property office.

(b) Officers will enter the items into the record management system.

(c) Officers will complete a safekeeping notice and serve a copy of same to the property owner.

802.5.5 FIREARMS

(a) Firearms will only be booked into evidence when they are rendered safe for handling. Prior to booking, officers shall photograph the firearm. Photographs should include the overall condition of the firearm and whether the firearm was loaded or unloaded. Officers will obtain a photograph that provides a clear image of the serial number on the firearm. Firearms should be placed in an appropriately sized firearms box. The entry into the record management system shall be completed in its entirety, to include: the make, model, caliber, and serial number of the firearm.

(b) Firearm magazines must be emptied of all cartridges prior to booking. EMPTY magazines can be packaged in the firearms box along with the weapon from which they were removed. Ammunition must be counted and booked in separately from firearms and magazines.

(c) Booking officers will take precautions so as not to contaminate the evidentiary value of these weapons and cartridges as they may bear fingerprints, DNA, etc.

(d) Loaded or unsafe firearms will not be accepted intoevidence. Officers will check with a supervisor or firearms instructor if they are unable to render a firearm 'safe' prior to booking.

(e) All collected firearms must be entered into CCIC/NCIC (ERG query) as "impounded" if they are booked into the Property Office for any reason.

802.5.6 EXCEPTIONAL BOOKING

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. ,

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(b) Property stained with bodily fluids such as blood or semen shall be air-dried prior to booking.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Custodian, placed in the bicycle rack at the police department parking area or placed in the bicycle storage area.

(d) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label (e.g. refrigerate, freeze).

(e) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

(f) Jewelry shall be packaged individually in plastic. Each item shall have a separate item tag and be described fully in the record management system.

(g) Alcohol

1. Felony cases involving alcohol require that the original container(s) and contents are booked as evidence.

2. In misdemeanor, or other lower-level cases, a photograph of the alcohol container(s) will be taken, and a description of the contents will be documented in the report. The original containers and contents should be destroyed or left at the scene unless the violation is possession.

802.6 PACKAGING OF PROPERTY

(a) Evidence Bags / Tags

1. Complete the required information (case number, property number, initials, and date) on the property bag. Brevity should be used in the property description section as the item(s) will be described fully in the police report/narrative. The property should be segregated/packaged according to the known owner and/or likely disposition.

2. Any seized items that have potential to be processed for DNA and/or latent fingerprint testing shall be placed in paper evidence bags/envelopes. Officers booking the item(s) will wear protective gloves and take care in handling these items to avoid contamination.

3. Every effort will be made to place evidence in evidence bags. Evidence tags are to be used only for items too large for evidence bags.

4. Compact discs will be packaged in a compact disc envelope. The disc shall be labeled with case/incident number, date, exhibit/item number, Officer's initials/ call sign and a brief description of its contents.

(b) Perishable Items

1. Perishable items that are not evidence shall be photographed and discarded with a supervisor's approval.

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2. If a perishable item must be booked, it shall be entered into the records management system. The item shall be packaged in paper and secured in the evidence room refrigerator.

(c) Wet Items

1. Items such as blood or semen-stained clothing, will be entered into the record management system and secured into the designated temporary drying location. Any item with biological matter on it will be flagged during processing as hazardous

   (a) The property custodian or their designee may package the item once it has completely dried and then transfer the items into the property room.

(d) SANE Kits

1. Colorado House bill 1020 requires a sexual assault evidence kit be submitted to an accredited forensic laboratory within twenty-one (21) days of receipt from a medical facility. The written consent form for sexual assault kits must be completed prior to the processing of the sexual assault kit unless:

   (a) The victim does not consent to submission of the kit.

   (b) The law enforcement agency obtains corroborated evidence of a false report within the (21) days before the required submission.

(e) Blood Kits

1. Blood seized in conjunction with the investigation of an alcohol and/or drug related offense, such as DUI/DUID, will be collected using the supplied blood alcohol kits in the presence of the arresting officer or other responsible witness who can authenticate the samples.

2. The ends of the box containing the blood samples will be sealed with the evidence seals provided in the kit. Each end of the outside of the box must be sealed with evidence tape. Officers will enter the blood kit information into the records management system. The sealed kit(s) will be placed in the refrigerator located in the evidence processing area.

3. The property custodian or records staff will mail the blood kit to the designated laboratory. The record management system will be updated to reflect the transfer.

(f) Sharps

1. needles that can be disposed of will be placed in a sharps container intended for bulk destruction.

2. needles will be placed in a sharps container of the proper size for safe storage in evidence.

3. knives, broken glass, ect, will be secured in a cardboard box in a manner to prevent puncturing the outer container and the outer container properly labeled.

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802.6.1 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in a locker. Prior to packaging and if the quantity allows and testing can be done safely, 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. A photograph should be taken of the test results and the testing sample safely disposed of in the trash.

Narcotics and dangerous drugs shall be packaged in a clear plastic container of appropriate size. (Consideration shall be given to fresh or growing plant material.). The booking officer shall initial the sealed envelope and the initials shall be covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. (Container as used here would be the smallest container actually holding the suspected substance) A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging officer.

The GPW will be verified every time the package is checked in or out of the Property Office. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Chief of Police.

Officer will identify the scale used to weigh the material/packaging.

Official weight, where necessary for charging, will be determined by CBI as part of the laboratory examination.

802.7 RECORDING OF PROPERTY

The Property Custodian accepting property into the property system will ensure that the items are properly entered into the records management system and that the property can be tracked by a unique item number. The Property Custodian will update the records management system to show the status and location of property when it changes hands from receipt to disposal/release.

802.7.1 RIGHT OF REFUSAL

The Property Custodian has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property Custodian refuse an item of property, secure custody of the item shall be maintained in a temporary property locker or other safe location and the submitting officer and a supervisor notified.

802.8 PROPERTY CONTROL

Each time the Property Custodian receives property or releases property to another person, they shall enter this information in the RMS system custody log.

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802.8.1 RESPONSIBILITIES OF OTHER PERSONNEL

An officer that receives property from the Property Custodian will document in the records management system the reason for removing the property from evidence, the receipt, storage and return of property in their custody.

Officers desiring property for court shall contact the Property Custodian at least one day prior to the court day.

Request for analysis of items shall be completed on the appropriate forms and submitted to the Property Custodian. This request may be filled out anytime after booking of the property or evidence.

802.8.2 STATUS OF PROPERTY

The Property Custodian shall obtain the signature of the person to whom property is released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property Custodian, evidence locker or released to another authorized person or entity.

802.8.3 VIEWING GUIDELINES FOR PROPERTY AND EVIDENCE

(a) Any person or entity wishing to view property held by the Police Department must make an appointment with the Property Custodian or designee.

(b) The Investigating Officer, District Attorney's Office and/or City Attorney, if applicable, shall be contacted for approval if any person not related to the case wishes to view property.

(c) The property viewing shall take place in an area where the viewing can be recorded (audio/ video).

(d) The viewing shall be observed by either the Property Custodian or designee.

(e) The property must not be manipulated, damaged, or altered during the viewing.

(f) To preserve the integrity of DNA, all requests to remove evidence from its packaging for viewing shall require personal protective equipment to be worn.

(g) When a seal is broken on an item held as DNA evidence, buccal swabs of persons present during the examination will be required and will be booked into evidence as elimination samples.

802.8.4 PROPERTY OWNER REQUEST

The investigating officer and/or supervisor shall, for property in custody of the Department for investigatory or prosecutorial purposes. and 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.

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(c) With approval of the prosecuting attorney, photograph the property and release it to the owner.

802.8.5 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Evidence may be delivered to a lab or other location for examination by personal delivery or use of a mail/package service.

(a) Investigating officer will complete paperwork necessary for the examination or release.

(b) Property placed in evidence may be released to an officer for transfer, or the transfer may be done by the Property Custodian.

(c) Evidence will be properly packaged with required paperwork attached to the outside of the package (e.g., packing list).

(d) Packages hand-delivered will be signed for at point of delivery and documentation included in supplemental report.

(e) Packages sent by mail/package service will be sent using a tracking number and documented in supplemental report.

802.9 PROPERTY RELEASE AND DISPOSITION

802.9.1 DISPOSITION OF PROPERTY

(a) Junk – Junk may be disposed of at any time. No attempt to identify or notify an owner is necessary.

(b) Found Property - Where ownership can be established prior to the end of shift, and the property is not evidence, excluding contraband, such property may be released to the owner without the need for booking into evidence. The property will be documented by completing an RMS property screen, but property does not get booked into property room. The owner shall sign either a copy of the property sheet or a property form, if used.

(c) A reasonable attempt shall be made to identify the rightful owner of found, stolen, or seized property that is not evidence and not needed for an investigation.

(d) Unclaimed evidence, found property, and property held for safekeeping shall be held for a minimum of 60 days when the owner is known. During such period, the Property Custodian or designee shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public or on-line auction, converted to city use, destroyed, or returned to the finder. Property with an estimated value of $50 or more will be advertised in the local print and social media before disposition. The final disposition of all such property shall be fully documented in related reports.

(e) Where the property owner is unknown the holding period is extended to 180 days and all other notifications and disposal procedures remain the same as for property with known owners.

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(f) Vehicles - Motor vehicles impounded by the Department may be sold at a public or private sale following notice pursuant to CRS § 42-4-1805 and Part 18 of the Model Traffic Code adopted by City Ordinance.

(g) Proceeds from the sale of unclaimed property shall be deposited into the city general fund.

802.9.2 PROPERTY TO BE DESTROYED

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 and paraphernalia
- Destructive devices

802.9.3 MONEY

Money not being held as evidence will be returned to the owner. If the owner can not be located the process outlined for disposition of unclaimed property will be followed with the final disposition being;

(a) If the owner is known, but the money is unclaimed after 60 days. The money will be turned over to the finance department, for reporting to the state. (CRS § 38-13-401)

(b) If the owner is unknown and the money is unclaimed after 365 days, The money may be returned to the finder and if unclaimed deposited into the City's general fund.

802.9.4 RELEASE OF PROPERTY RELATED TO VRA CRIME VICTIMS

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)).

802.9.5 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following is satisfied (CRS § 13-25-130(3)):

(a) Photographs of the property are part of the police report.

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(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, defendant has been notified that such photographs, video tapes or films have been taken, recorded, or produced of the evidence.

(e) A receipt for the property is obtained from the owner upon delivery.

(f) Investigating officer and prosecuting attorney agree property is not needed for court

802.9.6 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).

The following procedures shall be followed for releasing all firearms:

(a) Owners must be found eligible to own or possess a firearm through CBI's InstaCheck.

1. If an owner is ineligible, they may designate a third-party to take possession of the firearm.

2. All third-party firearm transfers per C.R.S. 18-12-112 must go through a Federally Firearms Licensed Dealer (FFL). The owner makes the arrangement for the FFL to pick up the firearm from the police department.

(b) The Property Custodian or designee shall clear all serial numbers prior to release.

(c) The Property Custodian or designee shall remove the firearm from CCIC/ NCIC (using the XRG query).

802.9.7 RELEASE AUTHORIZATION

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 as set forth herein.

The Property Custodian shall release the property to the owner, upon valid identification and proper documentation presented by the owner, for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the property documentation.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

802.9.8 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

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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 certain situations, legal counsel for the department may be asked to file an interpleader in court to resolve the disputed claim.

802.10 RETENTION OF BIOLOGICAL EVIDENCE

The Property Office supervisor shall ensure that no biological evidence held by the Department is released or destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigation Section supervisor

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the case file.

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 Chief of Police, the investigating officer 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).

802.10.1 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 investigating officer working with the crime lab 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.

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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.

802.10.2 RECORDS RETENTION AND PRESERVATION

The Department shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

(a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).

(b) Except as provided by law (CRS § 18-1-1105; CRS § 18-1-1106; CRS § 18-1-1107), the Department shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102(1) and CRS § 18-1-1103(2).

(c) A court may order the Department to preserve existing biological evidence for DNA testing at the request of a defendant (CRS § 18-1-414(2)).

802.10.3 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).

802.10.4 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)).

802.10.5 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

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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).

802.11 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).

802.11.1 RELEASE OF FIREARMS IN EXTREME RISK PROTECTION ORDER MATTERS

Upon notice from the Property Custodian 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 an extreme risk protection order, firearms 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 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 are going to be returned.

If surrender of a handgun permit was involved the person will be provided with the name and contact information for the Sheriff's Office where the permit was released to.

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 any period of time exceeding three hundred sixty-five days (365) from the date that an extreme risk protection order expired, the firearm shall be disposed of according to department procedures (CRS § 13-14.5-109).

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Records Section

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Gunnison Police Department Records Section. The policy addresses department file access and internal requests for case reports.

803.2 POLICY

It is the policy of the Gunnison Police Department to maintain department records securely, professionally, and efficiently.

803.3 RESPONSIBILITIES

803.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Chief of Police..

The responsibilities of the Records Manager include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.

(b) Scheduling and maintaining Records Section time records.

(c) Supervising, training, and evaluating Records Section staff.

(d) Maintaining and updating a Records Section procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides.
2. Cases involving department members or public officials.
3. Any case where restricted access is prudent.

803.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

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(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.

(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 collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection, U.S. Department of Justice's National Law Enforcement Accountability Database), as applicable, for the following types of occurrences:

1. Officer suicides
2. Officer misconduct
3. Uses of force
4. Officer deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) 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).

(i) 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).

(j) 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.
3. A copy of the receipt shall also be properly maintained by the Department.

(k) Providing notice to the Property Office upon the termination or nonrenewal of an extreme risk protection order (CRS § 13-14.5-107).

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(l) 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).

(m) Establishing a process for collecting information on persons taken into protective custody by way of an emergency commitment relating to substance abuse and provide an annual report to the Behavioral Health Administration as provided in CRS § 27-81-111.

803.4 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Shift Supervisor.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.4.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

803.4.2 COMPUTER BASED RECORDS MANAGEMENT SYSTEM (RMS)

The department utilizes a computer-based records management system (RMS) so most records identified in this section are electronic and available to all employees by secure log-in to the RMS. Employees will not access, print, download, save, copy or release information from the RMS except for official purposes and in accordance with policy concerning the release of reports and information. Any RMS documentation printed, downloaded, or copied will be filed as part of an official document or destroyed once it is no longer need for an official purpose.

803.5 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any

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other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies.

803.6 RECORDS MANAGER TRAINING

The Records Manager shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

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Records Maintenance and Release

805.1 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.

805.2 POLICY

The Gunnison 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.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Police Records Manager is the designated 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) The Gunnison Police Department will follow minimum records retention standards established by City of Gunnison Municipal Ordinance and the Colorado Municipal Records Retention Schedule

(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 Gunnison Municipal Ordinance and Colorado law (CRS § 24-72-306).

805.4 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.

805.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/

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video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(c) The payment of any authorized fees required for the copying or mailing of the records requested as authorized by CRS § 24-72-306 and Municipal Ordinance.

(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).
2. A valid identification may be required prior to release of any law enforcement related record.

(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 time 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).

(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 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.

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include but are not limited to:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, are restricted

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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) The name and any other identifying information of a child victim or child witness except as permitted by CRS § 24-72-304.

1. When notified by a court that the name of a child victim or child witness has been disclosed during a court proceeding, or when requested by a child victim, child witness, or the child's legal guardian, the record and file containing the record should be marked with the notation "CHILD VICTIM" or "CHILD WITNESS" (CRS § 24-72-304).

(f) Records that contain the notation "SEXUAL ASSAULT" shall have identifying information deleted as required by CRS § 24-72-304.

(g) Records that contain information concerning an application for victim's compensation (CRS § 24-4.1-107.5).

(h) Information received, made, or kept by the Safe2Tell® program (CRS § 24-31-607).

(i) 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).

(j) The result of chemical biological substance testing (CRS § 24-72-305).

(k) The address of an individual who has requested and been approved for address confidentiality (CRS § 24-30-2108).

(l) Personnel records, medical records, and similar records which would involve personal privacy.

(m) 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).

(n) 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.

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805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the Chief of Police who may consult legal counsel for the Department so that a timely response can be prepared.

805.7 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).

805.7.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY

If the Investigations supervisor determines that a person was arrested based on mistaken identity and no charges were filed following the arrest, the 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).

805.7.2 EXPUNGEMENT OF CERTAIN JUVENILE RECORDS WITHOUT COURT ORDER

The Custodian of Records shall acknowledge receipt of a notice issued by the district attorney or other diversion provider that a juvenile has successfully completed a prefiling diversion. Upon receipt of the notice, the Custodian of Records shall treat the records as expunged within 35 days and without need of a court order (CRS § 19-1-306).

805.8 SECURITY BREACHES

Members who become aware that any Gunnison 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 insure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the security breach is reasonably believed to affect 500 or more Colorado residents, the Custodian of Records shall also notify the Colorado Attorney General. Notice

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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).

805.9 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).

The Custodian of Records should work as appropriate with the Chief of Police or the Captain in determining what recordings may qualify for disclosure when a request for a recording is received.

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805.9.1 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).

805.9.2 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).

805.9.3 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.

805.10 TRAINING RECORDS

(a) The Department will maintain at minimum two types of training files;

1. an individual employee file, containing training certificates or other documentation of attendance/training completed.
2. a department file with lesson plans and rosters of attendees at any training done on the department's behalf.
3. Individual employee files, paper records, on file in the police records office will be turned over to the City Human Resource Office upon the employee leaving the Police Department.
4. Departmental records and individual electronic files will be retained per records retention standards.

(b) Department instructors will provide the following documentation for all training courses provided on behalf of the department;

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1. Provide the Captain a copy of the lesson plan to be used for approval prior to the class.
    (a) At minimum lesson plans will identify topic, instructor, resources, length of course and outline of material presented. Lesson plans should provide enough detail to reconstruct key points presented in the training.
2. Provide the Captain with a roster of attendees at the conclusion of any class taught along with any testing results if testing was part of the lesson plan.
3. Provide the attendee a training certificate to reflect the type of training, date of training and duration of training in a timely manner following the course completion. If the attendee is a Gunnison Police Department employee a copy shall also be provided to the Captain for Gunnison Police Department employee files.
4. Instructor may maintain their own records of training provided to consist of lesson plans and attendees. These will be considered personal files of the instructor and outside the retention policy of the department.

(c) Employees are encouraged to maintain training information for their own knowledge and use. These will be considered personal files and outside of the retention policy of the department.
    1. Employees attending trainings outside the department are responsible for providing copies of any training certificates received to the Captain.

805.11 PURGING POLICE RECORDS

(a) Records Management System
    1. Electronic police records that are at least ten years old and do not meet the criteria for permanent retention shall be deleted from the records management system except basic identifying information.
    2. The basic identifying information will include the following:
        (a) Date and time of incident
        (b) Location of incident
        (c) Type of incident (type of incident will be listed by most serious crime)
        (d) Status of incident (Cleared by arrest, Cleared No Arrest, Non-Criminal
        (e) Names and identifying information of all involved parties
        (f) Role of all involved parties (Arrestee, Parent, Reporting Party, Suspect, Victim, Witness).
    3. Other associated paper, pictures, video/audio recording, or related components of the police record, remaining in department custody, will be destroyed at that time.

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Protected Information

806.1 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 Gunnison 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.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Gunnison 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

806.2 POLICY

Members of the Gunnison 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.

806.3 RESPONSIBILITIES

The Police Records Manager shall 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.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

(g) Printed copies of Criminal History Record Information (CHRI) will be maintained according to the Colorado Municipal Retention Schedule and to guidelines set forth

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by Colorado Bureau of Investigation (CBI). Routine CHRI retrieved for liquor and marijuana licenses will be retained for a period of one year and then destroyed by cross-cut shredding. These files will be checked by January 31st of every year and their destruction will be reported to the City Clerk's office and the City of Gunnison IT Director, who is designated as the Local Agency Security Officer (LASO). The Records Manager will be responsible for complying with the retention schedule and the destruction of the records.

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Gunnison 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.

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records 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.

806.6 SECURITY OF PROTECTED INFORMATION

The Police Records Manager shall oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

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(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Any printed copies of CHRI will be handled and maintained by the Records Office. These documents will be stored in a locked filing cabinet in the secured Records Office.

(d) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(e) All breaches of security incidents will be documented and will be reported to the Chief of Police, the LASO, CBI and appropriate authorities.

806.6.1 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).

806.7 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 Gunnison Police Department and communicate the correction to the Colorado Bureau of Investigation.

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806.8 CCIC/NCIC

CCIC is to be used to find information for purposes related to the administration of criminal justice. The administration of criminal justice is defined as the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.

The department and members will adhere to the CJIS Model Polices posted in the Administrative Section of this manual. Where conflicts in wording between model policy and other policy exist the most restrictive language will be followed, to protect the CCIC/NCIC system.

806.8.1 COMPLIANCE AND COORDINATOR

The Police Records Manager is designated as the CCIC Coordinator.

806.8.2 MISUSE OF CCIC/NCIC SYSTEM

It is a violation of Gunnison Police Department policy, FBI policy, CBI policy and possibly state and federal law to misuse this system. Report any misuse to the CCIC Coordinator or any Supervisor as soon as they are found.

Misuse is defined as "any access or handling of CJIS data that does not support the administration of criminal justice".

Some examples of misuse:

- Querying one's own record
- Querying peers, spouses, ex-spouses, romantic interests
- Querying elected officials
- Any other query that is for a personal reason
- Improper dissemination
- Verifying a friend's birthday via QDA
- Talking about CBI use or information on social media

This is not a comprehensive list: other actions not listed here could be considered misuse. Anything that does not fit the definition of administration of criminal justice above is considered misuse. To report misuse, notify the CCIC coordinator or any Supervisor.

Information received for CCIC/NCIC may be released to criminal justice agency personnel only. Release to non-criminal justice agency personnel may result in disciplinary action up to and including termination. Incidents of misuse will be reported to the agency's CCIC coordinator, the LASO, the Chief of Police and CBI.

806.8.3 SECURITY REPORTING

All users of the NCIC/CCIC system shall report any suspected system breach or security incident up through the chain of command to the CCIC coordinator who will advise the City of Gunnison

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IT Director. A security incident may only be revealed by symptoms and not a definitive physical breach.

Symptoms may include:

- Unexpected system crashes
- Denial of service
- Poor system performance
- Indications of suspicious browsing
- Unusual activity on the network

Reference department policy Records Maintenance and Release, Security Breaches, for related information.

806.9 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.

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Computers and Digital Evidence

807.1 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.

807.2 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, officers' name, date, property 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) Log all computer items into the Property Office. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation

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2. Who was using it at the time
3. Who claimed ownership
4. If it can be determined, how it was being used

(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.

807.2.1 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.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

The Gunnison Police Department does not have the capability to do forensic computer or digital evidence. The department does have resources to get computers, electronic devices and digital evidence analysed. Officers will work with the Detectives Office and Property Custodian to identify a resource and comply with submission and processing requirements.

807.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, copy the contents to an appropriate form of storage media and use the copy for investigative purposes.

(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.

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(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.

807.4 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. Remove the device battery if it is designed to be removed. 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 when available.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS_DEPUTIES

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.

807.5.1 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.

807.5.2 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

807.5.3 PRESERVATION OF DIGITAL EVIDENCE

(a) Officer making the digital recording are responsible for coping digital evidence onto storage media for submission to evidence or into the RMS image file.

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1. Once Officer has verified that the copy is complete the original image may be deleted from reusable storage media.
2. Video or audio files which are originally copied to storage computers will not be deleted but will be handled in accordance with departmental archival policy.

(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.

807.6 STORAGE OF DIGITAL EVIDENCE

Video, image, audio or data files obtained by the department for use in connection with a case will be added to the RMS Image file or placed on storage media and logged into evidence.

(a) Digital files will be placed in the RMS system image file with the following exceptions
   (a) Files which are too large for the RMS system to attach
   (b) Images typically illegal to posses (child pornography or child exploitation)
   (c) Images of explicit body organs or graffic injuries which could cause alarm if viewed incidental to a report release or review
   (d) Officers have the discretion in cases where large numbers of images are obtained from a single incident, to place relevant images in the RMS image file and a complete set of images on storage media to be placed in evidence.

(b) Digital files not placed in the image file will be copied to appropriate storage media and logged into evidence as per evidence procedure and policy.

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Animal Control

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve primarily domesticated animals. Where wildlife may be involved Colorado Division of Parks and Wildlife procedures may provide an alternate decision.

808.2 NEIGHBORHOOD SERVICES RESPONSIBILITIES

Animal control services are generally the primary responsibility of Neighborhood Services and include:

(a) Animal-related matters during periods when Neighborhood Services is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Neighborhood Services is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

(d) Tasks identified in the Colorado Animal Protection Act (CRS § 35-42-101 et seq.).

808.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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808.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

808.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

808.6 POLICY

It is the policy of the Gunnison Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

808.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to CRS § 18-9-202 et seq.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

If a biting dog has been killed (see Destruction of Animals section) in order to prevent further injury or death, the local board of health shall be notified of the facts related to the bite and the killing, and the body of the dog shall be held for release to the board of health (6 CCR 1009-1:1).

808.8.1 IMPOUNDING ANIMALS

Animals suspected of having rabies or having bitten any person or animal and having an uncertain vaccination status shall be impounded in solitary confinement and kept under observation for a period of 10 days. Confinement may be at the owners home provided the Neighborhood Service Officer or Officer has reason to believe the animal can be safely contained, monitored and the owner will provide regular access to the animal by Neighborhood Services for follow-up. If, confinement is not provided by the owner the animal will be confined at an approved shelter or animal care facility, at the owners expense.

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808.9 STRAY DOGS AND CATS

If the dog or cat 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 a animal is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

808.9.1 SHELTER

Dogs and cats which appear to be health will be sheltered at the Gunnison Valley Animal Welfare League Shelter. Employees will follow current guidelines for admission and release of animals from the shelter.

808.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the shift supervisor will be contacted to determine available resources, including requesting the call out of a Neighborhood Service Officer.

808.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs, stray cats, stray dogs), because such calls may involve significant quality-of-life issues.

808.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed.

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Chapter 9 - Custody

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Gunnison Police Department facility or detention facilities. 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.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

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.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 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.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to a law enforcement facility. Except in exigent circumstances, the search should be conducted by a member of the

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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.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should 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 law enforcement member. The inventory should include the case number, date, time, member's Gunnison Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the 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.

901.4.3 DETENTION FACILITIES

Detention facilities may have their own policy and procedure as to property handling and verification of money which will be observed by members of this department for property left in the detention facilities care. Members when booking an individual into a detention facility will observe our policy concerning custodial searches and immediately notify a sergeant if asked to participate in a search in violation of policy.

901.5 STRIP SEARCHES

No individual in temporary custody at any Gunnison 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

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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).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Gunnison Police Department facilities shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

(a) Authorization from a Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The authorization for the search, obtained from a sergeant.
4. The name of the individual who was searched.

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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.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with a sergeant's authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without approval of a sergeant 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.

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(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. A Sergeant approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and should be made available to the individual who was searched or other authorized representative upon request.

901.7 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.8 JUVENILES

No juvenile should be subjected to a strip search or physical body cavity search without a parent, guardian or responsible adult representing the juveniles' interests being present. Present does not mean in the same room but available during the search to represent the juveniles' interest while maintaining privacy concerns

(a) Policies applying to adults should be followed when dealing with searches involving juveniles

(b) Juveniles should be under continual observation and may be restrained by use of handcuffs, until search is conducted.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

901.9 TRAINING

The Captain 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.

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(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process of sworn police officers. This policy supplements the rules that govern employment practices for the Gunnison Police Department and that are promulgated and maintained by the Human Resources Department.

Selection of non-sworn employees will follow guidelines established by the City of Gunnison.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Gunnison 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 department shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

(a) Establishment of a written recruitment plan.

    1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(f) Employee referral and recruitment incentive programs.

(g) Consideration of shared or collaborative regional testing processes.

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The Administrative Services Section Supervisor 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 their status in the recruiting process.

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 shall 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) Personal and professional 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

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(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 and deemed necessary by the Chief of Police)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Administrative review and interview with the Chief of Police and/or Captain.

(l) Relevant national and state decertification records, if available

(m) Any relevant information in the National Law Enforcement Accountability Database

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).

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1000.4.1 CANDIDATES PREVIOUSLY EMPLOYED BY GOVERNMENTAL AGENCY

The department shall insure that a waiver is obtained for all applicants as part of the background process when applicants are employed or previously employed by a law enforcement or governmental agency that authorizes disclosure of all files, including the candidates' internal affairs files.

The department 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 department 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).

1000.4.2 EXAMINER AND INVESTIGATOR QUALIFICATIONS

If a polygraph or 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).

1000.4.3 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)).

1000.4.4 EDUCATIONAL PREFERENCE

Candidates who possess specialized training, POST Basic or Provisional certification, or post high school education may receive preferential consideration.

1000.4.5 CONTROLLED SUBSTANCE USAGE

Candidates who have illegally used any controlled substances in the 36 months prior too making application or any time after making application with the department will not be considered.

Candidates who have used cannabis or natural medicine, as defined in CRS § 44-50-103 in the 6 months prior to making application or any time after making application with the department will not be considered.

1000.4.6 TESTING/SELECTION PROCEDURE

Recommended order of testing and selection of police officer candidates.

(a) Review of Applications and information provided for minimum requirements
    1. 21 years of age prior to anticipated date of hire
    2. Valid drivers privileges in the State of Colorado

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3. Applicant disclosure of felony or misdemeanor criminal conviction records that would prevent POST certification

(b) Initial testing

1. Successfully pass standardized written test, approved through Colorado Association of Chiefs of Police. Minimum score of 80% overall and no individual module less than 75%.
2. Successfully pass physical ability course
3. Complete an oral review panel
4. Optional written suitability testing may be used to narrow the applicant pool or further distinguish between viable candidates.

(c) Top candidate(s) depending on number of positions to be filled are recommended to Chief of Police for Conditional Job Offer. Offer contingent on successful completion of the following and other conditions identified specific to each candidate.

1. Background investigation as outlined in policy
2. General medical exam to establish general physical well being of the candidate, including;
   (a) Current medically accepted normal vision, with or without correction
   (b) Current medically accepted normal hearing, with or without correction
   (c) skeletal, joint or physical injuries or conditions that would prevent physical activities like climbing stairs, running, wrestling or cause injury to the candidate if activities performed.
3. Psychological testing

(d) Successful candidate participates in administrative review with Chief

(e) Recommendation to City Manager for appointment.

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 Gunnison Police Department.

1000.5.1 BACKGROUND INVESTIGATION CONSIDERATIONS

Investigators may use all data available on the candidate, especially the application form, physiological findings and the medical history report. Qualifying credentials should include educational achievements and past employment history. The verification can be made by telephone, correspondence, computer inquiry, or personal interviews and should be backed up by written notations. A candidate's criminal history should be obtained from the National Crime Information Center (NCIC), a Federal Bureau of Investigation (FBI) fingerprint check and appropriate state and local criminal history record information repositories. Personal references

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should include at least one employer (if the candidate has an employment history) and may include teachers, landlords, neighbors, friends, and co-workers. The verification can be made by telephone, correspondence, or personal interview, and should be backed up by written notations. The investigation may involve a home visit with the candidate and his family.

The extent of the background will be determined by the investigator in consult with the Captain and/or Chief and the availability of reliable resources.

1000.5.2 NOTICES

Background investigators shall ensure that investigations are conducted, and notices provided in accordance with the requirements of the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the department will not require candidates to provide passwords, account information or access to password-protected social media accounts.

The background investigator may conduct open source, internet-based searches and/or review information from social media sites. The investigator should 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.

The background investigator should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the Chief and reviewing authority to decide whether to recommend to the City Manager an offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.5 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

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- 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 Human Resources Department 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) Have completed basic training and passed a POST-administered examination, as applicable (CRS § 24-31-305)

(b) Have submitted to both a physical and a psychological evaluation (CRS § 24-31-303)

(c) Have a high school diploma or equivalent (CRS § 24-31-305)

(d) Possess a current first aid and cardiopulmonary resuscitation certificate (CRS § 24-31-305)

(e) Have submitted to a fingerprint-based criminal history record check (CRS § 24-31-303)

(f) Unless granted an exemption by the POST director, have no disqualifying incidents, as defined in 4 CCR 901-1:1 and CRS § 24-31-305.

1000.8 PROBATIONARY PERIODS

City of Gunnison Employee Handbook, 2.3 Performance Appraisal, applies in that all employees serve at will.

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1000.9 NOTIFICATION TO POST REGARDING ELIGIBLE IMMIGRANTS

If the Department employs an eligible immigrant to attend a POST-approved training academy, the Records Clerk or Chief of Police should notify the POST Board of the eligible immigrant's compliance with the department's written firearms policy (CRS § 16-2.5-101).

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Promotional Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Gunnison Police Department.

The Gunnison Police Department will abide by the regulations set forth in the **City Personnel Manual, Section 2, PERSONNEL ADMINISTRATION**.

1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion:

(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

1002.2 PROMOTIONAL SPECIFICATIONS

(a) A vacancy in a non-entry level position will be posted in the police department, in writing, at least five working days prior to the selection process.

(b) The qualifications for every position in the Gunnison Police Department are set forth in the job description. The qualifications for the job will be the basis for selection.

(c) Application for non-entry level positions will be in the form of a letter of interest accompanied by a resume of the applicants qualifications. Additional materials may be requested as needed.

(d) Selection Process

1. Assessment Center - may consist of written standardized test, exercises to demonstrate candidates knowledge and application of departmental policy and procedures and be administered by command/supervisory level persons from other agencies and/or command/supervisory level citizen and/or departmental supervisors. Materials used should reflect the non-entry level position being filled.

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2. Oral Board - A committee chosen from: a department employee, a department supervisor, a citizen, a City supervisor or department head, and a command/ supervisory person from another agency. Composition of board should reflect non-entry level position being filled.

(e) The Chief of Police will make the final decision regarding appointment of the most qualified applicant based on the results of the selection process. All such appointments are subject to review and approval by the City Manager.

1002.3 SUPERVISOR CERTIFICATE

Prior to or within one year of the effective date of assignment, all full-time first-line supervisors should complete a CACP/CSOC Supervisory Institute training or equivalent supervisor training course.

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Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

The department policy is to be applied in conjunction with City of Gunnison Employee Handbook, Section 6, Dispute Resolution and Problem Solving. Clarification and application of the handbook is provided here specific to the Gunnison Police Department.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment, or the interpretation or application of any of the following documents:

- Police Department Policy Manual or procedures
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual employee or group of employees.

Specifically excluded from the category of grievances are:

(a) Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.

(b) Complaints related to state workers' compensation.

(c) Personnel complaints consisting of any allegation of misconduct or improper job performance by any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Procedure Policy.

1003.2 PROCEDURE

If an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with the immediate supervisor.

(b) If after a reasonable period of time, generally 3-5 days, the grievance cannot be settled by the immediate supervisor, the employee may request interviews through the chain of command with the Captain.

(c) If a successful resolution is not found through the chain of command, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance to the Chief of Police,for delivery to the City Manager, that includes the following information:

1. The basis for the grievance (e.g., the facts of the case)

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2. Allegation of the specific wrongful act and the harm done
3. The specific policies, rules or regulations that were violated
4. The remedy or goal being sought by the grievance

The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee in a timely manner. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Chief of Police and/or City Manager is considered final.

1003.3 PUNITIVE ACTION

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be maintained in a secure file for all written grievances. Files shall be maintained per records retention standards.

1003.5 GRIEVANCE AUDITS

The Captain shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Captain shall record these findings in a memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Captain should promptly notify the Chief of Police.

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Anti-Retaliation

1004.1 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.

1004.2 POLICY

The Gunnison 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.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 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 Personnel Director.

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.

1004.4.1 WHISTLE-BLOWING

Colorado law protects public employees who (CRS § 8-3.3-103; CRS § 29-33-104):

- Discuss or express personal views regarding representation and workplace issues, subject to the restrictions in CRS § 8-3.3-101 et seq., if applicable.
- Engage in protected, concerted activity for their mutual aid or protection.
- Participate in the political process while off-duty and not in uniform including:
    - Speaking with members of the [city/county]'s governing body on terms and conditions of employment, or any other matter of public concern.
    - Engaging in other political activities in the same manner as other citizens of Colorado.
- Organize, join, or assist an employee organization or refrain from the same.

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 Captain for investigation in accordance with the Personnel Complaints Policy.

1004.5 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.

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(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.

(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.

1004.6 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.

1004.7 RECORDS RETENTION AND RELEASE

The Chief shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules for Personnel Complaints.

1004.8 TRAINING

The policy shall be reviewed with each new member (CRS § 24-31-906).

All members shall receive annual refresher training on the requirements of this policy (CRS § 24-31-906).

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Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Colorado and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; CRS § 18-12-108).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Colorado (CRS § 24-31-305(1.5)).

If a person is convicted of a misdemeanor crime listed in CRS § 24-31-305(1.5) after July 1, 2001, they may not obtain POST certification without a waiver or may have their POST certification suspended or revoked.

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

1005.3.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any criminal or civil court order. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate (see generally CRS § 24-31-303).

1005.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

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Reporting of Employee Convictions

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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Drug- and Alcohol-Free Workplace

1006.1 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).

1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

City of Gunnison is a Drug Free Workplace and related City Policy applies to all employees,

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift 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).

1006.3.1 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.

1006.3.2 MEDICAL CANNABIS AND NATURAL MEDICINE

Possession, use, or being under the influence of medical cannabis or natural medicine, as defined in CRS § 44-50-103, on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

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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).

1006.5 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 Human Resources Department, 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.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 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.

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1006.7.1 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.

1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

(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 the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1006.8 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).

1006.9 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.

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Leave

1007.1 PURPOSE AND SCOPE

The department will comply with City of Gunnison Employee Handbook, Section 4, Leave. Clarification and application of the handbook is provided here specific to the Gunnison Police Department.

1007.2 APPROVAL

(a) Scheduled absences will be approved based on the following:

1. Requests will be considered based on date of written request in ScheduleAnywhere.
2. Employees should list all days they will be unavailable, not just the days they think affect the schedule.
3. For advanced planning. The following leave limits will be utilized as a guide.
   (a) two officers assigned to patrol
   (b) one officer assigned to detectives
   (c) one officer assigned to administration
   (d) one neighborhood service officer, excluding parking and evidence custodian.
4. At time of advanced leave request, approval will take into account any known absence (leave, light duty, training, vacancy, etc)
5. Requests may be considered immediately prior to an absence, based on established schedule, staffing needs and timing.

(b) Unscheduled absences will be approved as follows:

1. Sick leave must be approved by a supervisor at least one hour prior to the start of your shift and preferably as soon as the employee realizes they will be unable to report for assigned duty. Request for time off needs to be approved by direct communications with the supervisor. Direct communication does not include text or voice mail unless the supervisor has acknowledged the message.
2. Shift supervisor, may approve time off for employees on the same shift, on the day of or within 24 hours of the start of the shift. Approval will take into account staffing level.
3. All leaves will be requested/documented utilizing ScheduleAnywhere and approved by the scheduling supervisor, Captain or Chief.

1007.3 RECORDS RETENTION

(a) Payroll sheets will be provided to Human Resource Office for payroll purposes and serve to confirm shift and hours worked.

(b) ScheduleAnywhere will be utilized to capture and document working schedule.

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(c) For records retention a copy of the working schedule will be recorded for each pay period completed and retained per retention requirements.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Gunnison Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Gunnison Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Providing baseline testing for members who are exposed to known or possible sources of hepatitis C during the course and within the scope of employment (CRS § 8-42-101).

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2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Reporting of diseases (6 CCR 1009-1:1 et seq.; 6 CCR 1009-7:1 et seq.).
4. Reporting cases of active or suspected tuberculosis to the Colorado Department of Public Health and Environment (CRS § 25-4-502; 6 CCR 1009-1:4).

The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1008.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS
The supervisor shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury and Death Reporting and Illness and Injury Prevention policies).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

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(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Working with the Colorado Department of Public Health and Environment or local health officers through their authority to investigate and control communicable diseases (CRS § 25-1.5-102; CRS § 25-4-506; CRS § 25-4-408; CRS § 25-4-412; CRS § 25-4-413).

(c) Obtaining a court order for exposures related to assault offenses (CRS § 16-3-303.8; CRS § 18-3-202; CRS § 18-3-203; CRS § 18-3-204; CRS § 18-3-415).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law).

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

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(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1009.1 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 Gunnison 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.

1009.2 POLICY

The Gunnison Police Department recognizes that tobacco use is a health risk and can be offensive to others.

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Gunnison Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes any tobacco product inside City facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No member shall smoke 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.

1009.5 CITY OF GUNNISON, EMPLOYEE HANDBOOK

Copy from City of Gunnison, Employee Handbook, Adopted June 4, 2019

2.6 SMOKING

It is our objective to provide a smoke-free work environment within our organization. In compliance with the Colorado Clean Air Act, smoking is prohibited within all areas of City owned buildings, vehicles and equipment, or within fifteen (15) feet of any entrance to a City owned building. This restriction applies to all employees and visitors, at all times, including non-business hours. The definition of smoking includes the use of electronic smoking devices (“vaping”).

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Gunnison 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.

1010.2 POLICY

The Gunnison 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, and municipal. (CRS § 24-31-305).

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 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.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Captain is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member, and the violation is for a non-critical policy violation, for example, alleged rudeness on the part of the officer, tardiness, or insubordination.

Formal - Any violation of a critical policy, federal, state or municipal law or matter in which a supervisor determines that further action is warranted. Formal complaints will be conducted by the Captain or may be assigned, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate, refuses to sign a Summary of Complaint Procedure Acknowledgement or becomes unavailable after diligent follow-up investigation. At the discretion of the Captain, such matters may become a formal investigation depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 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.

(f) Complaints may be received from City of Gunnison established complaint process.

(g) Complaints may be received from the Police Department complaint phone line

1010.3.3 REPORTING AUTHORITY

The Captain will maintain supervisory control of all investigations involving alleged misconduct by officers or employees in the department. The Captainreports directly to the Chief of Police .

Based on the type of complaint the Chief of Police may elect to assign supervision of an investigation to other than the Captain.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 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.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

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1010.5 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 Captain should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows, under the supervisory direction of the Captain.

1010.6.1 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 Captain 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 Captain, 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 Captain 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 Captain.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Captain and Chief of Police are notified via the chain of command as soon as practicable.

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(e) Promptly contacting the Human Resources Department and the Captain for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Captain, 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.

1010.6.2 NOTIFICATION TO COMPLAINANT

Supervisors should periodically communicate the status of an investigation to the complainant. Upon final disposition of a formal investigation and after taking into account any restrictions provided by Colorado law, the complaining party should be provided written notification of the outcome of the investigation.

1010.6.3 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or the Captain, 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 Gunnison 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.

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(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

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.

(a) Upon request, the employee may be provided copies of recordings, transcriptions and reports made of an interview session. Release must be approved by the Chief of Police.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

1. Uninvolved attorneys or representatives present during interviews shall not be required to disclose any information received from the employee during the administrative investigation.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) No employee may be compelled to submit to a deception detection device examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

Information concerning administrative interviews shall not be released to the public unless approved by the Chief of Police or the authorized designee.

1010.6.4 ADMINISTRATIVE INVESTIGATION REPORT FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this reporting format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

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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.

1010.6.5 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.

1010.6.6 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 a reasonable time from the date of discovery by an individual authorized to initiate an investigation. The Chief of Police will be notified in writing of any investigation taking longer than 30 days.

1010.7 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.

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1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Gunnison 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.

1010.10 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.

1010.10.1 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, Captain or other supervisor depending on the severity of the matter.

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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) Suspension without pay

(f) Punitive transfer

(g) Demotion

(h) Reduction in pay or step

(i) 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.

1010.10.2 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 Captain for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.11 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

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the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 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).

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal discipline using the procedures established by any personnel rules.

1010.14 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.

1010.15 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.

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1010.16 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; 4 CCR 901-1:17).

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 retirement pending investigation, conduct that subjects the officer to criminal investigation) to the POST Board misconduct database as required (CRS § 24-31-303; 4 CCR 901-1:17).

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Seat Belts

1011.1 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.

1011.1.1 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).

1011.2 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.

1011.3 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.

1011.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1011.5 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.

1011.6 POLICY

It is the policy of the Gunnison Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1011.7 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.

1011.8 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.

1011.9 ON-DUTY SUPERVISORY SUCCESSION

References in the above policy to Supervisory role will be filled in accordance with Department Policy. Gunnison Police Department Policy Manual: 200.3.1 SUCCESSION OF COMMAND

a. If the officer filling the supervisory role is not a Sergeant or above the officer will provide notification to a on-duty Sergeant, when available. The on-duty supervisor will take steps to remedy the inoperable safety equipment or take the vehicle out of service, per policy.

b. The sergeant will remedy the situation, documenting the actions taken and forward written documentation to the Captain for record keeping.

1011.10 CITY OF GUNNISON POLICY

Members of the Gunnison Police Department are reminded that they are also subject to related City of Gunnison Policy.

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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Gunnison 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.

1012.3 ISSUANCE OF BODY ARMOR

The Captain shall ensure that body armor is issued to all officers when the officer begins service at the Gunnison Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice, for level IIIA protection.

The Captain 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.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Soft body armor may be worn under or over the officers uniform shirt using the appropriate type and fitted carrier for the method of wear.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic inspections. Officers should routinely inspect body armor for fit, cleanliness and signs of damage, and wear reporting any concerns in body armor condition to the Captain.

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1012.3.3 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.

1012.4 RANGEMASTER RESPONSIBILITIES
The Firearms Instructor should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

1012.5 COMPLIANCE WITH NIJ BULLETPROOF VEST PARTNERSHIP
The Gunnison Police Department may participate in the NIJ Bulletproof Vest Partnership (BPV). Body Armor purchased under BPV grant funding will conform to the following.

(a) Body armor purchased will comply with National Institute of Justice (NIJ) standards on the date it was ordered and must be American-made.

(b) Required mandatory wear policy for uniformed patrol officers, 1012.3.1 USE OF SOFT BODY ARMOR.

(c) Soft body armor purchased will be specific to an officer and be properly measured and adjusted per BVP definition for "uniquely fitted vests". "Uniquely fitted vests" means protective (ballistic or stab-resistant) armor vests that conform to the individual wearer to provide the best possible fit and coverage, through a combination of: 1) correctly-sized panels and carrier, determined through appropriate measurement, and 2) properly adjusted straps, harnesses, fasteners, flaps, or other adjustable features. The requirement that body armor be "uniquely fitted" does not necessarily require body armor that is individually manufactured based on the measurements of an individual wearer. *Standard Practice for Body Armor Wearer Measurement and Fitting of Armor* (Active Standard ASTM E3003).

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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 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.)

1013.3 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.

1013.3.1 FILE LOCATION AND ARCHIVAL

As department files fall into several categories with access and review needs changing through out the employees time with the City and beyond the following guidelines should apply.

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(a) Employee file with general information relevant to the employee will be kept at the department level and/or Human Resource Office based on need and office generating the information. Departmental file will be maintained by Records Office. Upon the employees separation from the City all employee files will be turned over to the Human Resource Office, unless specified elsewhere in policy. Electronic (RMS) Employee information maintained during employment as part a personnel system will be maintained per records retention standards.

1013.4 SUPERVISOR FILE

Supervisor working files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The supervisor 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.

Information in a supervisor working file will be purged annually or when documented in a formal process. Any supervisors working file active at the time of employee separation will be purged with relevant information documented and added to the employee department file.

1013.5 TRAINING FILE

Training records will be maintained by the Police Records Office

(a) Departmental Training Records consist of a training lesson plan, attendance rosters, testing documentation, training notices and any other documentation necessary to record topic and material covered.

(b) Employee Training Records consist of copies of certificates/memos documenting training attended and other documents specific to a single employee. Records may be paper or electronic.

At the conclusion of each training session the departmental instructor will;

(a) provide, to the records office a copy of the lesson plan, roster of attendees, testing documentation and a certificate/ memo of individual attendance. Certificate/memo will indicate employee’s name, training topic, instructors name, date and hours in training.

(b) provide, to the employee or other person attending a copy of the certification/memo of individual attendance provided to the records office.

(c) Departmental instructor may maintain their own records of training to consist of lesson plans, resources and/or resource locations and attendees. These will be considered personal files of the instructor and outside the retention policy of the department.

Employee will provided a copy of the Certificate and/or memo for any personal training they receive outside of departmental training for inclusion in their personal training file.

(a) Employees are encouraged to maintain training information for their own knowledge and use. These will be considered personal files and outside of the retention policy of the department.

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1013.6 PERSONNEL COMPLAINT FILE

Personnel Complaint files shall be maintained under the exclusive control of the Captain 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 Captain.

Personnel Complaint files shall contain the complete investigation of all complaints of member misconduct, regardless of disposition.

(a) A separate employee file will be maintained that contains a synopsis of the complaint, investigation, and outcome.

(b) The investigative file which will contain the synopsis and documentation relevant to the case. Depending on the types of evidence collected it may be stored in evidence, with the location noted in the investigative file.

(c) In some instances, the complaint process may identify a policy or training need of the department rather than an individual employee’s action. In that instance the same two file type files will be kept and maintained, as outlined in (a) and (b) but department specific.

Personnel Complaints will be released in accordance with current state statute and consultation with the City Attorney.

Personnel Complaint records will be purged per current archival standards.

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

Medical records will be maintained with the city human resource office. Copies may be maintained at the department level for use in personnel evaluations, scheduling or when necessary for official business.

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1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or Chief of Police.

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.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1013.8.3 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).

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days

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provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained for a minimum of five years and in accordance with the established records retention schedule (CRS § 24-34-408).

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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1013.11 POLICE ACTION FILES

(a) Use of Force Review Form

1. Forms will be filed in the records office.
2. All Use of Force Review Sheets will be reviewed as outlined in policy. If initial review results in a recommendation of; Violation Identified, Training Identified or Policy Identified, a copy of the form will be made and forwarded to Records for filing and be treated as a working copy with a 5 year retention. The original will be provided to the Supervisor or employee assigned to do the Administrative Review. The original will be added to the Personnel Complaint File.
3. Forms and related documentation will be retained per retention standards with review findings:
    (a) “No Violation” – Will be retained per retention standard “unsustained”, 5 year retention
    (b) “Violation Identified” – will be handled per 1013.6 Personnel Complaints File, for individual employee file
    (c) “Training Identified” – will be handled per 1013.6 Personnel Complaints File, for department file
    (d) “Policy Identified” - will be handled per 1013.6 Personnel Complaints File, for department file

(b) Vehicle Pursuit Review Memos

1. Memos will be filed in the Chief's office
2. Memos on initial review that do not warrant an administrative review will be retained per retention standards for “unsustained”, with a 5 year retention.
3. Memos which result in an Administrative Review will be filed per 1013.6 Personnel Complain File.

(c) Accidents involving officers

1. Memos and copies of accident report will be filed in the Chief's office
2. Memos on initial review that do not warrant an administrative review will be retained per retention standards for “unsustained”, with a 5 year retention.
3. Memos which result in an Administrative Review will be filed per 1013.6 Personnel Complaint File.

(d) Other officer action required reviews

1. Memos and documentation will be filled in the Chief's Office
2. Memos on initial review that do not warrant an administrative review will be retained per retention standards for “unsustained”, with a 5 year retention.
3. Memos and documentation which results in an Administrative Investigation will be filed per 1013.6 Personnel Complaint File.

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1013.12 ANNUAL CERTIFICATION VERIFICATION OF PEACE OFFICERS

The Chief of Police or the authorized designee shall verify the accuracy of the information listed on the POST records management system associated with POST-certified officers of the Department to verify there are no disqualifying incidents that prevent the member from being a peace officer. This includes verification that the member has a valid driver's license or state-issued identification card. Certification shall be made annually in the form and manner prescribed by POST (4 CCR 901-1:17).

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Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Gunnison Police Department and individuals from the community.

1014.2 POLICY

It is the policy of the Gunnison 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.

1014.3 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.

1014.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond the typical duties.

1014.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

1. Identifying information:
    (a) For members of the Department - name and assignment at the date and time of the meritorious or commendable act
    (b) For individuals from the community - name, address, telephone number
2. A brief account of the meritorious or commendable act with report numbers, as appropriate.
3. The signature of the member submitting the documentation.

1014.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

1. Identifying information:
    (a) For members of the Department - name and assignment at the date and time of the meritorious or commendable act

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(b) For individuals from the community - name, address, telephone number

2. A brief account of the meritorious or commendable act with report numbers, as appropriate.

3. The signature of the person submitting the documentation.

1014.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to a Supervisor, using an Observed Action Report (OAR) for his/her review.

The Supervisor should sign and forward the Observed Action Report and documentation to the Captain and Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Records Office for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to a Supervisor for review. The documentation will be signed by the Supervisor and forwarded to the Captain and Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1014.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

(a) Medal of Honor - Awarded to an employee who risks their life in the line of duty, and the circumstances indicate an act of valor was performed, or a department member who distinguishes him/her self conspicuously by gallantry and integrity at risk of his life above and beyond the call of duty. The member must have been aware of the great danger to them prior to his performance of the act and the act must have involved risk of life.

(b) Medal of Valor -Awarded to an employee who risks their life in the line of duty, and the circumstances indicate an act of valor was performed, or a department member who distinguishes him/her self conspicuously by gallantry and integrity at risk of their life within the realm of duty.

(c) Distinguished Service Award -Awarded to an employee for an act, concept or other contribution that not only enhances but has a long-lasting and/or far reaching impact on department operations.

(d) Life Saving Award - Awarded to an employee for having saved or sustained a human life. The victim must have been involved in a life threatening incident at the time assistance was given. It must be shown that the action taken by the nominee saved or sustained the life of the victim. If the life of the victim was not ultimately saved, evidence must be shown that everything possible was done in sustaining the life prior

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to the victim receiving medical care. It must be shown that the nominee did not cause or contribute to the incident.

(e) Purple Heart - Awarded to an employee for an act in the performance of duty which resulted in serious bodily injury to the recipient.

(f) Commendable Service - Awarded to an employee for an act that evidenced highly commendable conduct or judgment by the recipient in the performance of duty; (Commendable Service shall not be confused with job performance that is merely above that expected on a daily basis, but is clearly recognizable as exemplary police work) or, selfless dedication to duty during a prolonged time of crises or emergency.

(g) Police Cross - Awarded posthumously for a line of duty death.

(h) Service Awards - Will be awarded in the form of a service bar and certificate, and are exempt from review by the Awards Board:

1. Years of continued service, awarded in five year increments for years of continued service to the City of Gunnison.
2. Safety, awarded in five year increments for service without any attributable accidents.
3. Assignment, awarded for areas where the employee accepts additional duties and responsibilities in the following areas:
    (a) FTO - Field Training Officer
    (b) Instructor
    (c) DRE - Drug Recognition Expert
    (d) DARE
    (e) Investigations - Must have completed three year rotation
    (f) Level II, III, IV Accident Investigator
4. Officers who leave employment, in good standing, or are promoted may keep the badge(s) issued to them at their current rank, provided they have served in that capacity for two years.

(i) Challenge coin will be issued along with any other recognition or award presented to an employee or citizen. Challenge coins may also be issued to anyone as a sign of gratitude or respect on behalf of the department.

1014.5.1 PROCEDURE FOR RECOMMENDING AWARDS

(a) Any department member, or any citizen, may recommend a member as a candidate for any awards listed.The circumstances of a particular act or contribution to the department objectives must meet the prerequisites of the specific award.The proposal for the award must be submitted within 90 days of the incident.

(b) A detailed written report must be prepared on each recommendation for a department award.Written reports will be forwarded through the chain of command to the Chief of Police.

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(c) The Chief of Police will review the incident and inquire and evaluate the circumstances for which members have been recommended for awards.The Chief may make a determination as to whether the circumstances surrounding the incident or action meet the prerequisites of the award recommended or refer the review to an Awards Board.

1014.5.2 AWARDS BOARD

The Chief of Police may appoint an Awards Board to inquire into, and evaluate, the circumstances for which members have been recommended for an award.

(a) The Board shall consist of a minimum of three members representing a cross section of the City.

(b) All recommendations for awards shall be entered into the employees performance appraisal records.

(c) The board shall meet as necessary to review recommendations for awards.

(d) The board may investigate the circumstances of the recommendation and collect facts, both favorable and unfavorable to the member for whom the recommendation was made.

(e) The awards board having heard all witnesses and evaluated all reports and written statements, shall deliberate the facts presented in a closed session. Upon reaching a conclusion, the board must recommend to the Chief of Police one of the following alternatives in writing:

1. That the facts, as presented, do not warrant further action of the matter at hand.
2. That some justification for recognition exists, but that such recognition has been determined by the board for a lesser award than was recommended by the nominating member.
3. That the circumstances surrounding the act met the prerequisites of the award recommended by the nominating member and that it is the decision of the board that the nomination be approved.
4. That the circumstances surrounding the act met the prerequisites for a higher award than was recommended. The decision of the board is that the higher award be approved.

1014.6 APPROVAL AND PRESENTATION OF AWARDS

(a) The Chief of Police shall make the final decision on all awards after receiving the recommendations from a Supervisor or the Awards Board.

(b) Formal presentation of all awards (except the Letter of Commendation) shall be made by the Chief of Police or designee.

1014.7 WEARING AWARDS

Award recipients of a medal or pin are allowed to wear the award on top of the right shirt pocket of the Class A Uniform, over the name tag, or the lapel if working in a non#uniformed position and attending a formal event.

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Medals or pins awarded may also be worn over the name plate, while in uniform, or the lapel or neck worn ID tag if working in a non-uniformed position, provided the wearing of pins and medals will not interfere with routine duties.

1014.8 CITY RECOGNITION PROGRAM

The City of Gunnison has an Employee Recognition Program, which is in addition to any commendation or award considered at the department level.

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Fitness for Duty

1015.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1015.2 POLICY

The Gunnison Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1015.3 MEMBER RESPONSIBILITIES

It shall be the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Members who feel unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform the member's duties, such observations shall be promptly reported to a supervisor.

1015.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform the member's duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility, or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1015.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the member's duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the supervisor's observations and actions in a written report and inform the Captain or Chief.

1015.4.2 DUTY STATUS

A supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the Supervisor should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

1015.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1015.5.1 PROCESS

The Chief of Police, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order

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and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resources Department.

1015.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day period (24-hour period)
- 30 hours in any two-day period (48-hour period)
- 84 hours in any seven-day period (168-hour period)

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime, and any other work assignments.

1015.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy.

1015.8 RETURN TO WORK

Employee's recovering from an injury but unable to return to their regular duties may apply in writing, through the chain of command, to the Chief of Police for reassignment under the City of Gunnison, Return to Work Policy.

(a) Supervisors may make recommendations as to duty changes or tasks available based on policy considerations

(b) Chief of Police will provide, written response, approving or denying duty reassignment.

1. Neighborhood Services and sworn officers may be restricted to office duties, being in uniform, driving marked vehicle or being armed based on medical restrictions. Examples of factors to consider; community perception that an officer in uniform or a marked vehicle should be able to respond to situations, medical restriction could affect the safe operation of a vehicle or weapon.

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Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees.

1016.1.1 MEAL PERIODS

Employees assigned as uniform patrol officers and neighborhood services (except parking assignments and evidence custodian) shall remain on-duty subject to call during meal breaks. Meal periods missed are compensated as part of the scheduled hours (10) worked. All other employees are not on-call during meal breaks, and missed meal breaks are compensable time as directed by a supervisor.

Uniformed patrol officers and Neighborhood Service (except parking assignments and evidence custodian) shall advise the Communications Center prior to taking a meal period. Uniformed patrol officers may go anywhere within the service area for meals when two or more patrol officers are on duty. Patrol officers must stay in the City limits for meals when there is only one patrol officer on duty. Neighborhood Service Officers may go anywhere within the service area.

The time spent for the meal period shall not exceed the authorized time allowed.Uniform patrol officers and neighborhood services (except parking assignments and evidence custodian) meal breaks are 30 all other employees are 60 minutes.

1016.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each half of their scheduled work period. Only one 15-minute break shall be taken during each period od duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Uniform patrol officers and neighborhood services (except parking assignments and evidence custodian) are subject to calls during their break, Break periods missed are compensated as part of the scheduled hours (10) worked. All other employees who get interrupted during a break will reschedule the break during the same half of the work period. Employees on patrol shall notify the communications office prior to going on break.

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Lactation Break Policy

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1017.2 POLICY

It is the policy of the Gunnison Police Department to provide, in compliance with the Fair Labor Standards Act (FLSA) and the Colorado Workplace Accommodations for Nursing Mothers Act, reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's infant nursing child for up to two years after the child's birth (29 USC § 218d; CRS § 8-13.5-101; CRS § 8-13.5-104(1)).

1017.3 LACTATION BREAK TIME

Members wishing to express breast milk for their nursing child shall be permitted to do so during any authorized break. A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the [dispatcher] or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 218d).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1017.4.1 LOCATION - RESIDENCE
Members living in the city limits may take breaks at their residence and member's residing in the service area may take breaks at their residence provided another member is on duty and available to handle calls. Usage of the term "their residence" applies to any residence of the members choosing.

1017.5 STORAGE OF EXPRESSED MILK
Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

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COMPENSATION – OVERTIME AND CALL OUT

1019.1 PURPOSE AND SCOPE

The department will comply with the City of Gunnison Employee Handbook, SECTION 3 EMPLOYEE STATUS - COMPENSATION – PAYROLL. Clarification and application of the handbook is provided here specific to the Gunnison Police Department.

1019.1.1 OVERTIME COMPENSATION

Overtime Compensation and Compensatory Time will be applied by the department as follows.

(a) Extra hours worked within a pay period will be calculated and compensated per City Policy for overtime pay.

(b) Compensatory pay for extra hours worked is not authorized.

(c) For scheduling purposes officers may have hours worked adjusted as necessary to cover shifts or reduce staffing to limit extra hours worked within a pay period.

1019.2 CALL OUT COMPENSATION

Hours worked under the following circumstances will be recorded on the employee payroll form as Call Out pay.

(a) Hours worked on a holiday or a City observed holiday. (Call-Out work on a holiday does not affect the 8 Hours of Holiday pay earned).

(b) When an employee is called in to perform a department function with less than 24 hours' notice.

(c) When an Employee is already at work and extends their shift to prevent the need of calling in another employee. IE:

1. Swing officers stays over to provide coverage for a grave officer that calls in sick.
2. Swing officer stays over to provide shift coverage while a grave officer finishes processing an arrestee.

A CALL OUT Authorization form will be completed and routed, with the employee payroll form, to the Chief, for authorization of call-out hours.

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Outside Employment

1020.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Outside overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1020.2 OBTAINING APPROVAL FOR OUTSIDE EMPLOYMENT

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

Request for outside employment will be made by memorandum to the Chief of Police, routed through the chain of command.

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievance Procedure Policy.

1020.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally,

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revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1020.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

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1020.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

1020.4 OUTSIDE LAW ENFORCEMENT EMPLOYMENT

No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1020.5 OUTSIDE OVERTIME

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to enter into a written Agreement for Additional Law Enforcement Services.

1020.5.1 EMPLOYEE WORKING OUTSIDE OVERTIME, EXPECTATIONS

(a) The officer's performance of services shall be deemed to be normal law enforcement functions undertaken in the regular course of the officer's assigned duties, and shall be deemed to be within the performance of the officer's duties and the scope of the officer's employment with the City

(b) The officer shall wear the Department uniform/identification. Unless specifically waived by the supervisor approving the assignment and due to the nature of the assignment.

(c) The officer shall be subject to all the rules and regulations of this department.

(d) No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.

(e) Compensation for such approved outside overtime services shall be recorded as call out time.

(f) Based on Agreement for Additional Law Enforcement Services officers may have standing permission to respond to requests for coverage. Officer will be expected to coordinate hours with a supervisor to insure that shift coverage is maintained.

1020.5.2 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.

1020.5.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Section Supervisor, undercover officers or officers assigned to covert operations shall not be eligible to work overtime

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or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1020.6 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1020.6.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in revocation of the outside employment application. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1020.7 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1020.8 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the approved application be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to

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the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisers.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to his/her supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.

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Occupational Disease and Work-Related Injury and Death Reporting

1021.1 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.

1021.1.1 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.

1021.2 POLICY

The Gunnison 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.).

1021.3 RESPONSIBILITIES

1021.3.1 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.

1021.3.2 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 City wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

If an employee is physically or mentally unable to provide notice of an occupational disease or work-related injury, his/her supervisor shall report such disease or injury in writing as soon as practicable (CRS § 8-43-102).

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1021.3.3 CAPTAIN RESPONSIBILITIES

The Captain upon receiving a report of an occupational disease or work-related injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Human Resource Department.

1021.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and insure copies of the report are sent to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

The Chief of Police or the authorized designee shall insure 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.

1021.4 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 Captain..

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.

1021.5 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.

1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1022.1 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.

1022.2 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.

1022.2.1 HAIR

Hairstyles of all members shall be neat in appearance and not be worn in a manner to cause a safety concern of it being pulled on.

1022.2.2 FACIAL HAIR

Facial hair of all members shall be neat in appearance and not be worn in a manner to cause a safety concern of it being pulled on.

1022.2.3 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.

1022.2.4 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.

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1022.3 TATTOOS

While on-duty or representing the Gunnison Police Department in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1022.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification

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Police Uniform Regulations

1023.1 PURPOSE AND SCOPE

The uniform policy of the Gunnison 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 Gunnison Police Department will provide uniforms for all employees who are required to wear a uniform.

1023.2 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 and clean.

(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) All supervisors will perform periodic inspections of their personnel to ensure conformance to the Gunnison Police Department uniform specifications and procedures.

(g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform, when not on duty or in training..

(h) 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.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or the authorized designee.

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1. Wrist watch
2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/ set may be worn on each hand.
3. Medical alert bracelet or necklace.

1023.2.1 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 a supervisor.

1023.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1023.3.1 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 and pants.
    1. Uniforms will be dark navy for sworn officers and tan for civilian officers.
    2. Patrol uniforms, shirt and pants must be the same brand.

(b) Polished black shoes. Pointed toes are not permitted.

(c) Equipment Utility Belt, basket weave or nylon.

(d) Ballistic vest, when worn, will be under the uniformed shirt.

1023.3.2 CLASS B UNIFORM

.All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short-sleeve shirt may be worn with the collar open. No tie is required.
    1. Uniforms will be dark navy for sworn officers and tan for civilian officers.
    2. Patrol uniforms, shirt and pants must be the same brand.
    3. A white, navy blue or black crew neck or turtleneck undershirt must be worn with the uniform.

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4. All shirt buttons must remain buttoned except for the last button at the neck.

(b) Pant or shorts are allowed, may have utility pockets.

(c) Black shoes. Pointed toes are not permitted.

(d) Equipment Utility Belt, basket weave or nylon. .

(e) Ballistic vest may be worn under the uniform shirt or in an external carrier designed for that purpose.

(f) Baseball Cap or Stocking Cap

1. Black in color and will display either "Gunnison Police" or "POLICE" on the front of the cap for sworn officers.

2. Tan or Brown and will display "NSO" for civilian officers.

1023.3.3 CLASS C UNIFORM

The Class C uniform is established to allow field personnel cooler clothing during the summer months or for special duty assignments.

(a) Uniform polo shirt.

(b) Pants or shorts, may have utility pockets.

(c) Black shoes. Boots with pointed toes are not permitted.

(d) Equipment Utility Belt, basket weave or nylon.

(e) Ballistic vest may be worn under the uniform shirt or in an external carrier designed for that purpose.

(f) Baseball Cap or Stocking Cap.

1. Black in color and will display either "Gunnison Police" or "POLICE" on the front of the cap for sworn officers.

2. Tan or Brown and will display "NSO" for civilian officers.

1023.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as Canine Team, SWAT, bicycle patrol, motor officers and other specialized assignments.

1023.3.5 FOUL WEATHER GARMENTS

(a) Uniform coats will be purchased to meet seasonal conditions.

1. Uniform coats will be dark navy for sworn officers and tan for civilian officers.

(b) Rainwear will be purchased to meet seasonal conditions.

1. Rainwear will be knee length.

2. Rainwear will meet standard, ANSI 107 Type P Class 3.

3. Allow access to utility belt through side opening.

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1023.4 INSIGNIA AND PATCHES

(a) The authorized shoulder patch supplied by the Department shall be machine stitched to the right sleeve of all uniform shirts and jackets, 3/4 of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stripes and other indicators for length of service may be worn on class A uniform shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2 inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. Name plate is not required on foal weather garments. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the 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.

(e) The authorized shoulder flag patch supplied by the Department shall be machine stitched to the left sleeve of all uniform shirts (Class A, B and C) and jackets, 3/4 of an inch below the shoulder seam of the shirt,and be bisected by the crease in the sleeve. The star field on the flag patch shall be positioned to the top and pointed to the front when garment is worn.

(f) The department-issued badge, or an authorized sewn-on cloth or attached flex badge replica, must be worn and be visible at all times while in uniform. Certified non-uniformed personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. Insignia may be in the form of cloth patches affixed to both sleeves or collar pins. The Chief of Police or the authorized designee may authorize exceptions.

1023.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death or funeral, whichever is longer.

(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.

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(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.

1023.5 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 administrative, investigative and support personnel who elect to wear civilian clothing to work shall be in business casual attire.

(c) 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.

(d) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Gunnison Police Department or the morale of the employees.

(e) Certified employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area. When the firearm is not concealed the officer will display a full-size uniform badge in plain sight.

(f) Department may establish insignia suitable for embroidering or printing onto garments suitable for wear in the office, official function and training. Garments bearing the department insignia may be worn by civilian and sworn officers as appropriate for the intended use.

1023.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Gunnison Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize adepartment badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Gunnison Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support or oppose, any product, service, company or other commercial entity

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction

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1023.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Gunnison Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Gunnison Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

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Nepotism and Employment Conflicts

1024.1 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.

1024.1.1 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.

1024.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department reserves the right to transfer or reassign

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any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1024.2.1 EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to state guidelines and to disclose of conflicts of interest as required by law (Colo. Const. art. XXIX; CRS § 18-8-308; CRS § 24-18-104; CRS § 24-18-105).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1024.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the

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Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

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Department Badges

1025.1 PURPOSE AND SCOPE

A Gunnison Police Department badge and uniform patch as well as the likeness of these items and the name of the Gunnison Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1025.2 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.

1025.2.1 FLAT BADGE

Certified officers, with the written approval of the Chief of Police or the authorized designee, may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Gunnison 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.

1025.2.2 CIVILIANNONSWORN 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.

1025.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. The Chief of Police may also authorize the release of the badge as recognition for officers honorable service over 3 years. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1025.3 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.

1025.4 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

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Temporary Modified-Duty Assignments

1026.1 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, or City rules. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1026.2 POLICY

Subject to operational considerations, the Gunnison 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.

1026.3 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 Gunnison 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.

1026.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Supervisor. The request should, as applicable, include a certification from the treating medical professional containing:

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(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 Supervisor 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 Human Resources Department or the City Attorney as appropriate.

1026.5 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 Captain.

1026.5.1 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 Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1026.5.2 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 Captain of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Captain and insuring that the required documentation facilitating a return to full duty is received from the employee.

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(c) Insuring that employees returning to full duty have completed any required training and certification.

1026.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1026.7 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.

1026.7.1 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.

1026.8 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.

1026.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1028.1 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.

1028.1.1 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.

1028.2 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 Gunnison 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.

1028.3 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 Gunnison 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. Examples of the type of information that could reasonably be expected to compromise safety include:

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- 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.

1028.3.1 NOTICES RELATED TO EMPLOYEE DEATHS OR INJURIES

The Department recognizes the desire of some employees to publicly express their feeling of lose and support for employees and their families injured or killed in the line of duty. However, due to the speed and far reaching distances that social media can and may be distributed employees are asked to refrain from posting death notifications or injury notification, to include the posting of shrouded badges, vehicles or other symbols with an agency reference, until the agency involved has posted an official notification. This request is made in an attempt to give the affected agency time to notify the employees family, extended family and associated department members.

1028.4 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 Gunnison 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 Gunnison Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Gunnison 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 Gunnison 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

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disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Gunnison 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).

1028.4.1 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 Gunnison Police Department or identify themselves in any way that could be reasonably perceived as representing the Gunnison 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 Gunnison 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

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1028.4.2 CIVIL LIABILITY

Members should consider that they may be subject to civil litigation for:

(a) Publishing or posting false information that harms the reputation of another person, group or organization.

(b) Publishing or posting private facts and personal information about someone that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person.

(c) Using someone else's name, likeness or other personal attributes without that person's permission or for an exploitative purpose.

(d) Publishing the creative work of another, trademarks or certain confidential information without the permission of the owner.

1028.5 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).

1028.5.1 OTHER PRIVACY CONSIDERATIONS

Members should consider that privacy protection varies among social media sites and personal information posted on such sites may not be protected.

1028.6 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.

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1028.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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COLLATERAL, TEMPORARY AND ROTATING ASSIGNMENTS

1031.1 PURPOSE AND SCOPE

Rotating, temporary and collateral assignments are created or they exist because of a need to address special problems, issues, crime types or community needs or because their existence enhances the operation of the police department in its delivery of service to the public. As such consideration for and selection of personnel for rotating, temporary or collateral assignment will have department need as the primary focus.

1031.2 COLLATERAL ASSIGNMENTS

Collateral assignments, also known as collateral duty or duties, are job tasks that are performed in addition to normal duties. Some examples of collateral assignments include, but are not limited to:

(a) Field Training Officer

(b) Instructors, Department or Civilian Classes

(c) Grants Manager

(d) Drug Court

(e) SWAT Team

(f) Evidence Processing Team

(g) 7th Judicial Use of Force Team Representative

(h) Department Representative on Boards, Meetings, groups

1031.2.1 SELECTION APPOINTMENT

Selection for collateral assignments will be made based on department need, officer qualification, and appointment by the Chief of Police

1031.3 TEMPORARY ASSIGNMENTS

Temporary assignments typically relieve the employee from completing their normal job functions; assignment is for a limited time period not to exceed three months. Where an overriding department need exists, temporary assignment may be extended by authorization from the Chief not to exceed three#month increments.

Because of their varied nature and their use in support of career development objectives, selection to temporary assignment may be made either by competitive process or direct appointment.

Recommendations with reasons supporting the use of a temporary assignment shall be forwarded to the Chief of Police through the chain of command, in writing.

1031.4 ROTATING ASSIGNMENTS

Rotating assignments for sworn personnel are Detective and Community Resource Officer, Other assignments may be identified based on current departmental needs.

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(a) There are two Detective positions, one Sergeant and one Patrol Officer, each assignment is to be three years in length, but can be extended on an annual basis if no other eligible candidate exists or the Chief of Police is of the opinion that the officer assigned to the position will remain in that assignment due to the productivity, performance and or experience.

(b) The Community Resource Officer position is a three year assignment, but can be extended on an annual basis if no other eligible candidate exists or the Chief of Police is of the opinion that the officer assigned to the position will remain in that assignment due to the productivity, performance and or experience.

Rotating assignments for non#sworn personnel are defined as any assignment outside the scope of the job for which the individual was hired, that is not temporary or collateral in nature, the duration of which is decided by department need.

1031.4.1 QUALIFICATIONS

(a) Officers who have completed two years of service with the department.

(b) Officers who have not filled a rotating assignment for two years.

(c) Performance Appraisals for the past three years have been acceptable or above.

(d) No open internal affairs investigations.

(e) The Chief may waive requirement if no other eligible candidate exists.

1031.4.2 COMPETITIVE SELECTION PROCESS

The competitive selection process for rotating assignment will include at a minimum

(a) Written notification of the vacancy.

1. A memorandum will be issued describing the vacancy that contains the necessary qualifications for the position including formal education, training, and length of experience requirements if applicable, the deadline for application filing, and a brief description of the process.

2. Posting and distribution of the memo shall be agency wide at least ten days prior to the application deadline.

(b) Written application for the assignment.

1. Employees wishing to be considered for a posted assignment shall submit a letter of interest and a resume of their qualifications to the chief.

(c) Selection process

1. The chief will review applications for minimum qualifications.

2. A selection committee consisting of the chief, a supervisor, the outgoing officer (where applicable), and an employee who is not a candidate for the position should conduct the selection. The selection committee may vary depending on the availability of employees and at the discretion of the Chief of Police.

3. Selection factors to include:

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(a) qualifications
(b) training
(c) knowledge
(d) experience
(e) past performance
(f) motivation
(g) interview
(h) written or performance testing if administered

1031.4.3 REFRESHER TRAINING
Persons completing rotating assignments of two years or more, where the assignment allowed for more than 50% of their time to be out of uniformed patrol work, may receive 40 hours of refresher training based on the Field Training and Evaluation Program and conducted in an informal peer tutor relationship.

1031.5 ANNUAL EVALUATION

All employees serving in a collateral, temporary or rotating assignment will be evaluated annually as part of the employee evaluation process. Specific reference to assigned duties will be included by the supervisor doing the performance evaluation.

(a) Periodic evaluations may also be done for specific activities and included in or referenced in the annual evaluation.

1031.6 REQUEST FOR CHANGE OF ASSIGNMENT

Employees may request an assignment change by forwarding a memo through their supervisor to the Chief of Police.

1031.7 COMMUNITY RESOURCE OFFICER

(a) The Community Resource Officer (CRO) position is first expected to complete all the job duties and responsibilities of a police officer per the Gunnison Police Department policy manual.This is a uniformed position and works under the direct supervision of the Captain.

(b) The CRO during the school year will be assigned primarily in a School Resource Officer (SRO) position for the Gunnison Public Schools.The SRO duties will be consistent with department policy and SRO training approved by POST. This includes the Gunnison High School, Gunnison Community School and Gunnison Lake School. The position will investigate crimes occurring on the school campuses, work traffic in the school zones, conduct random patrol and conduct educational programs within the schools.

1. When available the school district may make available office space to be used during school hours. Pamphlets and posters specific to the department function

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may be available and displayed. Office space may provide computer access for official business.

2. The department and school district will meet annually and as needed to review and update existing IGA.

(c) The CRO serves as the central contact point for the department for citizens desiring educational programs, outreach and crime prevention related activities. The CRO should work closely with the Captain to schedule, organize and track opportunities for the department and members of the department to participate in community education and outreach efforts. That does not mean that the CRO should be the instructor in all instances but should help coordinate other members of the department to participate and be involved where applicable.

(d) The CRO during school breaks and during the summer months will be used for directed patrol. Directed patrol could be by foot, bike or motorized to target current enforcement needs; bike violations, pedestrian safety, speeding, code violations, animal violations, etc.

(e) The CRO position will complete a POST approved School Resource Officer Training within a year of being assigned to the position. Other relevant training for the position may be authorized depending on departmental needs, possible budget constraints and scheduling.

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Chapter 11 - Administrative

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Colorado Household Medication Take-Back Program

1100.1 POLICY

The Gunnison Police Department recognizes the health risks, abuse risks and environmental risks associated with uncontrolled disposal or lack of deposal of household prescribed and over the counter medications. Working with the Colorado Household Medication Take-Back Program allows for a legal and safe way for the community to dispose of their expired and unneeded medications.

This policy pertains to the collection of household medications brought to the police department or collected by the department in an approved off-site collection event, under the Colorado Household Medication Take-Back Program..

Collections may also be done in connection with DEA. In these events DEA rules and guidelines apply and any medications collected will be stored and disposed of separate from medications received under the Colorado Household Medication Take-Back Program.

1100.2 COLLECTION

Household medication including prescribed and over the counter items will be collected at the police department or an approved off-site event and deposited in a container approved by the Colorado Household Medication Take-Back Program.

(a) On site collection container will be maintained in the secured public hallway. During business hours the container is visible to the records staff and after hours the hallway is secured and monitored by communications.

(b)

(c) No identification information will be obtained on either the owner, person dropping off or type of medication.

1100.3 STORAGE AND DISPOSAL

Storage and disposal of household medication will be in accordance with Colorado Department of Public Health and Environment, Rules and Regulations Governing The Colorado Household Medication Take-Back Program as established in Section 25-15-328, C.R.S.

(a) All medication turned into the police department will immediately be placed in the approved storage container, utilizing the numbered inner liners and shipping containers provided.

(b) Storage container will be emptied as needed by the evidence custodian and one sworn officer.

(c) Contents of the storage container will immediately be sealed per program guidelines and prepared for shipment.

(d) Properly packaged medications will be provided to the shipper.

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1. Medications which can not be shipped immediately may be placed in the evidence room until shipping arrangements are made.

Employees will wear protective gloves while emptying the container and sealing the inner liner. Should any spills or leaks occur employees will follow the Emergency Waste Disposal Plan.

1100.4 RECORD KEEPING

Tracking will be accomplished by use of the inner-liner tracking log form and disposal receipt. Completed forms will be filed with the evidence custodian and be maintained for 3 years from date of disposal.

Colorado Medication Take-Back Program records are open to review by Colorado Department of Public Health and Environment on request.

1100.5 TRAINING

All employees who will be involved in the handling, collecting, storage and packaging of medications will be aware of the Emergency Waste Disposal Plan, a copy of which will be available from the evidence custodian along with the Department policy.

All employees involved in the storage and packaging will also be aware of the Colorado Department of Public Health and Environment, Rules and Regulations Governing The Colorado Household Medication Take-Back Program as established in Section 25-15-328, C.R.S.

All employees involved in the collection or disposal of medication will complete training when assigned as part of the take-back program or to an individual event. Training records will be maintained by the records office.

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Marijuana Amnesty Program

1101.1 POLICY

The Gunnison Police Department, Gunnison County Sheriff's Office and Gunnison County Substance Abuse Project have identified that persons in Gunnison County may be purchasing marijuana in quantities that can not be used prior to their leaving the state or remembering as they are preparing to board a plane at the Gunison Regional Airport. To encourage the responsible disposal of marijuana, amnesty boxes have been placed at the Crested Butte Marshall's Office and the Gunnison County Regional Airport for use by anyone desiring to dispose of marijuana.

1101.2 COLLECTION

The Gunnison Police Department will be responsible for the amnesty box placed at the Gunnison County Regional Airport.

The amnesty box is designed for the public to deposit marijuana into but not allow access the contents. The amnesty box is securely mounted and access restricted in accordance with this policy.

1101.3 STORAGE AND DISPOSAL

The Amnesty box will be emptied on a regular basis to reduce the temptation of tampering and to insure it is available to the public.

(a) Contents of the amnesty box will be collected by the Gunnison Police Department Evidence Custodian and either a sworn member of the Gunnison Police Department or the Gunnison Sheriff's Office.

(b) The contents of the box will be placed in a paper evidence bag and sealed. The evidence bag will be transported to the Gunnison Police Department, where a gross weight will be obtained, logged into the RMS system and placed in evidence for disposal.

(c) Contents of the amnesty box will be disposed of on a regular basis.

The Crested Butte Marshall's Office may arrange with the Gunnison Police department Evidence Custodian appropriate times to utilize the burn barrel for disposal.

1101.4 RECORD KEEPING

Contents of the amnesty box will be tracked and handled as all evidence. A single administrative report will be assigned annually for tracking.

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Compliance with 7th Judicial District Attorney Order on Felony Summons

1102.1 COMPLIANCE

Effective June 1, 2017 the Gunnison Police Department will comply with the 7th Judicial District Attorney's General Order on issuing Felony Summons in Lieu of a Warrant, Arrest and Request for Prosecution.

See attachment: Executed Felony Summons Policy.pdf

1102.2 CRITERIA FOR ISSUING SUMMONS

Criteria specified for compliance with C.R.S. 16-5-206 and 7th Judicial District Attorney's General Order when issuing felony summons.

- The Crime is a class 5 or 6 Felony or a Drug 4 Felony
- The crime is not a Victim's Rights Act (VRA) Crime
- The defendant has had no felony arrests in the previous 5 years
- There were no allegations of the use of a deadly weapon in the commission of the crime
- There are no outstanding warrants for the defendant at the time of the issuance of the felony summons
- The crime is not an unclassified felony punishable by more than 10 years in the Department of Corrections
- The suspect has no pending criminal court cases
- The officer reasonably believes that the defendant will appear in court.

1102.2.1 COLORADO COURT ACCESS

Communications Officers will be granted access to the Colorado Court Access program for the purpose of identifying any open criminal case, based on the case status field. Communications Officers will not use Colorado Court Access to research the case to determine where the case is in the judicial process. Interpretation of judicial records is not a function of communications.

Supervisors will be granted access to Colorado Court Access to verify court case status and may review court cases as part of a criminal investigation.

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ARREST WARRANT PROCESSING

1104.1 PURPOSE

To establish procedures governing the application and tracking of arrest warrants.

1104.2 POLICY

The department will attempt to promptly execute arrest warrants issued pursuant to traffic and criminal investigations conducted by the department and all other valid arrest warrants brought to the department's attention.

1104.3 ISSUANCE OF ARREST WARRANTS BY AFFIDAVIT

(a) Police Officers may complete an arrest warrant affidavit for arrest of an identified individual when the individual’s whereabouts are unknown or the officer has reason to believe the individual may not comply with or is not eligible for a summons.

(b) The Arrest Warrant Affidavit Review

1. Affidavit will be reviewed by supervisor or detective; and

2. Affidavit will be reviewed by either the District Attorney’s Office or City Attorney based on court jurisdiction.

(c) Affidavit along with an arrest warrant form will be presented to the court having jurisdiction over charges being alleged. Officer, under oath, will swear before the appropriate judge that information in the affidavit is true and correct to the best of their knowledge and insure that the signed affidavit is filed with the court.

1104.4 PROCESSING OF ISSUED ARREST WARRANTS

(a) Warrants issued by the Gunnison Municipal Court.

1. Gunnison Municipal Court will provide a copy of all warrants issued to the Gunnison Regional Communications Center

2. The Communications Center will file active arrest warrant and entered them into the CCIC system. Extradition is set by the court and reflected on the face of the warrant. The warrant entry confirmation teletype message is attached to the paper warrant and is filed in the warrant drawer in Communications Center.

3. The arrest warrant and accompanying paperwork may not be removed from the Gunnison Regional Communications Center, except after service of the warrant.

(b) Warrants issued by the Gunnison Combined Court for City of Gunnison complaints.

1. Gunnison Regional Communications Center will be notified by the Gunnison Combined Court system that a warrant has been entered.

(a) If the warrant is for a misdemeanor crime no other action is needed, unless the individual is contacted.

(b) If the warrant is for a felony charge the CCIC entry will be modified in CCIC/NCIC with a nationwide extradition limit, unless limited by the court

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or Chief of Police. The warrant entry confirmation teletype message will be attached to the arrest warrant and filed in the warrant drawer.

2. The arrest warrant and accompanying paperwork may not be removed from the Gunnison Regional Communications Center, except after service of the warrant.

(c) Officers who obtain an arrest warrant based on affidavit will;

1. File the signed arrest warrant and affidavit with the court, obtaining a court case number.

2. Provide a copy of the filed arrest warrant to the Communication Center for inclusion with the arrest warrant paperwork provide by the court and CCIC/NCIC system.

3. Turn in a copy of the filed arrest warrant and affidavit, with other case paperwork, for inclusion in case file.

1104.5 EXECUTION OF ARREST WARRANTS

(a) Only sworn officers may execute arrest warrants. Every reasonable attempt will be made to verify the validity of any arrest warrant prior to execution and to assure the individuals identity prior to arrest.

(b) When and how an arrest is made and the authority of a peace officer to make an arrest is covered by Sections 16#3#101 and 102, C.R.S.

1. Officer planning to execute arrest warrants should validate the arrest warrant and the identity of the person to be contacted, when time permits, prior to initial contact.

2. Officers planning to execute arrest warrants should limited activity to the hours between 8:00 AM and 10:00 PM, unless a supervisor or the Operations Director approves service at another time.

3. Officers planning to execute arrest warrants should obtain available information on the individual to be contacted and the location where contact is to be made so as to perform a risk assessment.

(c) When an arrest is effected on a Gunnison Municipal Court warrant, several alternative courses of action may be available. The alternatives are listed below in the order of preference.

1. If, the municipal court is in session, contact the court and determine if they can be taken directly to court.

2. If, the defendant is able to post bond and the municipal court clerk's office is open for business, take the defendant before the court clerk to post bond.

3. If, the defendant is unable to post bond, court is not in session or after business hours, then the defendant will be taken to the Gunnison County Jail.

(d) When an arrest is effected on a warrant from other than Municipal Court, the defendant will be taken to the Gunnison County Jail.

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(e) If available from Communications or Records Office (during business hours) the arresting officer will obtain the arrest warrant and complete the Return of Service. Records Office staff may complete the return of service if not completed by the arresting officer or when arrest is made by the agency other than Gunnison Police Department. This shall include date and time served, names of server, to whom process was served or on whom executed, method of service, and location of service.

(f) The arresting Officer will notify the Communication Center to cancel the arrest warrant.

(g) The arrest warrant, when available, and cancellation paperwork will be placed in the report review basket. After report review these documents will be sent to the Records Clerk for dissemination to the Court.

(h) Responsibility for insuring that appropriate teletype messages relative to warrant arrests have been sent is the responsibility of the arresting officer, or the officer completing the arrest report if different from the arresting officer. Showing this responsibility has been met will be demonstrated by including copies of teletype messages in case documentation. The teletype messages will be, depending on the circumstances, either the warrant confirmation or notice to the originating agency of the arrest (locate) or the message withdrawing the warrant from the computer system.

1104.6 EXTRADITION

(a) Arrest Warrants executed by agencies outside of Gunnison County;

1. The Police Captain will be advised of arrest warrants served for all Gunnison Municipal Court warrants and Gunnison Combined Court issued upon affidavit or stemming from chargers prior to first appearance.
2. The Gunnison Sheriff's Office should be advised of all other arrest warrants served.

(b) The Captain is responsible for coordinating extradition and transportation of persons arrested in other jurisdictions.

1. The District Attorney's Office will be consulted prior to transporting anyone in custody outside of Gunnison County, on a combined Court Arrest Warrant. By statute transport may be delayed up to 10 days. During that time the District Attorney's Office and Captain should review the need for transport based on;
   (a) Current criminal case
   (b) Budget restraints
   (c) Other legal options
2. The Municipal Court Clerk should be consulted prior to transporting anyone in custody outside of Gunnison County on a municipal arrest warrant.

(c) Transportation may be by Gunnison Police Officers, Gunnison Sheriff's Office or commercial transport services depending on economic feasibility.

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1104.7 VALIDATION

(a) The Captain will see that all warrants on file with Gunnison Regional Communications are validated with the issuing court annually.

1. Verification will be documented in the corresponding police department case report.

2. Warrants issued for other law enforcement agencies will be reviewed with the agency having jurisdiction and documented with the warrant.

(b) The Captain will review all warrants outstanding based on officer affidavit annually. Review will be with the District Attorney’s Office and Investigating Officer as needed to insure current case status.

1. Incident reports having an active arrest warrant as part of the case will be left in the officers Active Case Management file. Officers will review the case at least annually and update the report to reflect victim's current contact information, suspect's current contact information or attempts to locate, and additional information to assess the validity of future prosecution.

2. The victim advocate will review all VRA cold cases with active arrest warrants and insure that the victim information is current, that the victim has current VRA information and is aware of the case status. C.R.S. 24-4.1-303(10)(b)(IV)

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Adoption of Gunnison County Mental Health Co-Responder Program

1105.1 GUNNISON COUNTY MENTAL HEALTH CO-RESPONDER PROGRAM

Effective November 21, 2019 the Gunnison Department has entered into an MOU with other Law Enforcement agencies in Gunnison County to implement and operate a Co-Responder Program under agreement with The Center for Mental Health and the City of Gunnison.

See attachment: MOU - Co-Responder.pdf9.pdf

1105.2 CORE PROGRAM OUTCOMES

(a) Reduce peacekeeping calls for service as a result of incidents caused by substance abuse or mental health issues

(b) Reduce the numbers of incarcerated low-level offenders with mental illness

(c) Reduce the number of individuals utilizing clinics or hospital emergency rooms as mental health providers.

(d) Improve early identification and intervention for mentally ill individuals who have contact with law enforcement agencies within CMH co-responder program.

(e) Increase the number of comprehensive and effective interventions for community members in need of mental health resources, case management and/or social services.

(f) Improve peace officer access to counseling services when needed.

1105.3 ADOPTION OF CO-RESPONDER PROGRAM PROCEDURES

Members of the Gunnison Police Department will utilize the Mental Health Co-Responder for calls involving individuals in mental health crisis or other situations provided for by procedure during times available.

See attachment: CoResponder procedure - GPD adopted 122719.pdf

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Peace Officer Credibility Disclosure Notification

1106.1 ADOPTION

Peace Officer Credibility Disclosure Notification Model Policy is adopted as follows. Implementation is by the Chief of Police in connection to department policies related to Personnel Complaints and Records Maintenance and Release.

1106.2 PURPOSE

Consistent with the requirements under state law, this policy seeks to establish uniform and consistent standards requiring law enforcement agencies to disclose specific information to district attorneys that may impact the credibility of a peace officer in a criminal prosecution, and to establish uniform procedures for district attorneys to timely disclose such information to the defense under the Colorado Rules of Criminal Procedure and to increase transparency to allow members of the public to access information concerning peace officers who are subject to a credibility disclosure notification.

1106.3 DEFINITIONS

As used in this policy, the below terms shall have the following meaning:

A. "**Credibility Disclosure Notification**" means the notification described in C.R.S. 16-2.5-502(2)(c) and described in Section (III)(A) and (III)(B) of this policy.

B. "**Law Enforcement Agency**" means a state or local agency that employs peace officers.

C. "**Official Criminal Justice Record**" means any handwritten or electronically produced report or documentation that a law enforcement agency requires a peace officer to complete as part of the peace officer's official duties, for the purpose of serving as the agency's official documentation of an incident, call for service, response to an alleged or suspected crime, a use of force, or during a custodial arrest or the direct supervision of a person who is in custody. Official criminal justice records also include any other reports or documents that an agency requires a peace officer to complete as part of the peace officer's official duties where the peace officer knows, or should know the information included may be relevant to an ongoing or future criminal or administrative investigation.

D. "**Untruthfulness**" or "**dishonesty**" means conduct that involves a knowing misrepresentation, including but not limited to intentionally untruthful statements, knowing omissions of material information, and knowingly providing or withholding information with an intent to deceive or mislead.

E. "**Sustained finding**" means a final determination by a law enforcement agency, following a law enforcement agency's administrative procedures for investigating and reviewing alleged misconduct by a peace officer on the merits.

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1106.4 OBLIGATION TO PROVIDE OFFICER CREDIBILITY DISCLOSURE NOTIFICATION

Notwithstanding any other procedures or existing legal requirements regarding the disclosure of exculpatory evidence in a criminal proceeding, beginning January 1, 2022, the Gunnison Police Department shall:

A. Promptly notify the district attorney's office, in writing, of any sustained finding made on or after January 1, 2022, where a peace officer:

1. Knowingly made an untruthful statement concerning a material fact;
2. Demonstrated a pattern of bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class;
3. Tampered with or fabricated evidence;
4. Been convicted of any crime involving dishonesty or has been charged with any felony or any crime involving dishonesty;
5. Violated any policy of the law enforcement agency regarding dishonesty.

B. In addition to the credibility disclosure notification required under Section 1106.4(A), the Gunnison Police Department shall also notify the district attorney's office as soon as practicable when a peace officer is under a criminal or administrative investigation that if sustained, would require disclosure under Section 1106.4(A), and where it also meets both of the following circumstances:

1. The peace officer is a potential witness in a pending criminal prosecution in which a criminal defendant has been formally charged; and
2. The criminal or administrative investigation of the peace officer involves an allegation related to the peace officer's involvement in the defendant's pending criminal case.

C. For disclosures made pursuant to Section 1106.4(B), the Gunnison Police Department shall promptly notify the district attorney's office once the law enforcement agency has completed the agency's administrative process for investigating and evaluating the allegations.

1. If the Gunnison Police Department determines through its administrative process that the criminal or administrative allegations are not sustained, the agency shall promptly notify the district attorney's office of the outcome and the agency or involved peace officer may request that the district attorney's office(s) remove the credibility disclosure notification from its records. However, nothing in this section shall require a district attorney to remove any credibility disclosure notification that was made to a defendant pursuant to Rule 16 in a pending criminal proceeding where the requirements of Section 1106.4(B) applied at the time of the disclosure.

D. Prior to making any credibility disclosure notification required under Sections 1106.4(A) or (B), the Gunnison Police Department must give the involved peace officer at least seven (7) calendar days' notice of the agency's intent to send a credibility disclosure notification to the district attorney's office.

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1. If seven (7) days' notice is not practicable due to an impending trial date, the agency shall provide as much notice to the involved peace officer as is practicable under the circumstances.

1106.5 CREDIBILITY DISCLOSURE NOTIFICATION PROCEDURES

A. The following information shall be in the credibility disclosure notification, provided in writing, to the district attorney's office:

1. The peace officer's name.
2. The name of the law enforcement agency that employs or employed the peace officer at the time of the sustained findings or at the time of the criminal or administrative investigation
3. The following statement: "This notification is to inform you that there is information in the law enforcement agency's possession regarding [name of peace officer] that may affect the peace officer's credibility in court."
4. The applicable statutory provision identifying the basis for the credibility disclosure notification, including whether the notification is based on a sustained finding pursuant to Section 1106.4(A) or whether the notification relates to an open criminal or administrative investigation pursuant to Section 1106.4(B).

B. The Gunnison Police Department shall send the required credibility disclosure notification in writing, either electronically or by mail, to the contact(s) designated by the district attorney's office(s).

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IMPLEMENTATION DOG PROTECTION ACT

1107.1 PURPOSE

The purpose of this policy is to reduce the fatal and near fatal canine interactions with law enforcement. Proper training and use of less lethal application of force may prevent the deaths of pets by law enforcement officers under stressful situations. This policy and procedure addresses the mandatory training of Officers as required by Colorado Revised Statutes C.R.S. 29-5-112

1107.2 POLICY

Employees in the course of their duties may be confronted with dogs that are acting aggressively for a variety of reasons. Sworn officers and Neighborhood Services Officers should work to safely control, contain and manage aggressive dogs to protect the public, the employee and the dog where possible.

1107.3 TRAINING

Sworn and civilian officers will receive 3 hours of training, to include a review of related department policy, pertaining to encounters with dogs occurring in the course of duty and the use of force against such dogs. Training will be conducted during the FTO Program.

Training will consist of video training commercially available which provides participant testing and certification. Video title will be specified in the FTO lesson plan, as training video's will be selected based on relevance and publishing date.

In addition to documentation in the FTO files a separate certificate will be provided to records so that training is documented in the POST training records.

1107.4 DOG HANDLING

(a) All Neighborhood Service vehicles will be equipped with catch poles and vehicles will be kept available for officer use when Neighborhood Services is not available.

(b) Planning for events, tactical responses, warrant execution and crime scene processing where dogs may be present should include considerations for dealing with dogs' that may be present. Neighborhood Services should be involved where appropriate

(c) Officers should evaluate the immediate need to enter property where an aggressive dog is located against the threat to life and property

(d) When dealing with dogs' officers should rely on their training to assess the situation and respond accordingly utilizing the dogs' owner/responsible person, neighborhood services officer, capture devices, less lethal options, including the spark sound of the Taser and lethal options.

1107.5 INJURED OR DANGEROUS ANIMALS

Related Policy References are;

- Conducted Energy Devices, Dangerous Animals
- Firearms, Destruction of Animals

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IMPLEMENTATION DOG PROTECTION ACT

- Firearms, Injured Animals
- Firearms, Training

Officers are reminded that when dealing with a pet animal, such as a dog or cat, the use of deadly force should be as a last resort to prevent injury to the public or officer.

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CCIC Model Media Policy

Effective Date:	04-03-2024
Revised Date:	04-03-2024
Issuing Authority: Gunnison Police Department	

1108.1 MODEL POLICY OVERVIEW

The CCIC Model Media Policy is adopted for reference by members of the Gunnison Police Department to further clarify and define usage of computer access points with CCIC/NCIC access and information obtained CCIC/NCIC systems. Policy information contained in this model policy is incorporated or compliant with other sections within the Gunnison Police Department Policy Manual. Where policy language may conflict employees will utilize the most restrictive language to insure security of the CCIC/NCIC information systems and information obtained.

1108.2 CCIC MODEL MEDIA POLICY

Purpose:

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy 5.1 dated 7/13/2012. The Gunnison Police Department may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Scope:

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Gunnison Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Gunnison Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Gunnison Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Gunnison Police Department Local Agency Security Officer (LASO). Procedures shall be defined for securely handling, transporting and storing media.

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CCIC Model Media Policy

Media Storage and Access:

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Gunnison Police Department personnel shall:

(a) Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.

(a) Restrict access to electronic and physical media to authorized individuals.

(a) Ensure that only authorized users remove printed form or digital media from the CJI.

(a) Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Sanitization Destruction Policy)

(a) Not use personally owned information system to access, process, store, or transmit CJI unless the Gunnison Police Department has established and documented the specific terms and conditions for personally owned information system usage. (See Personally Owned Device Policy)

(a) Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

(a) Store all hardcopy CJI printouts maintained by the Gunnison Police Department in a secure area accessible to only those employees whose job function require them to handle such documents.

(a) Safeguard all CJI by the Gunnison Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.

(a) Take appropriate action when in possession of CJI while not in a secure area:

(a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.

(a) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.

(a) When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition,

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storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.

(a) When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

(a) Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.

(a) Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Protection Policy)

Media Transport:

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

(a) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or

(a) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Gunnison Police Department personnel shall:

(a) Protect and control electronic and physical media during transport outside of controlled areas.

(a) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Gunnison Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

(a) Use of privacy statements in electronic and paper documents.

(a) Limiting the collection, disclosure, sharing and use of CJI.

(a) Following the least privilege and role based rules for allowing access.# Limit access to CJI to only those people or roles that require access.

(a) Securing hand carried confidential electronic and paper documents by:

(a) Storing CJI in a locked briefcase or lockbox.

(a) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.

(a) For hard copy printouts or CJI documents:

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(a) Package hard copy printouts in such a way as to not have any CJI information viewable.

(a) That are mailed or shipped, agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)

(a) Not taking CJI home or when traveling unless authorized by Gunnison Police Department LASO.# When disposing confidential documents, use a shredder.

Electronic Media Sanitization and Disposal:

The agency shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Sanitization Destruction Policy".

Breach Notification and Incident Reporting:

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

Roles and Responsibilities:

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

(a) Gunnison Police Department personnel shall notify his/her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)

(a) The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.

(a) The LASO will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.

(a) The CSA ISO will:

(a) Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency,

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and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.

(a) Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.

(a) Act as a single POC for their jurisdictional area for requesting incident response assistance.

Penalties:

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

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CCIC Model Media Disposal Policy

Effective Date:	04-03-2024
Revised Date:	04-03-24
Issuing Authority: Gunnison Police department	

1109.1 MODEL POLICY OVERVIEW

The CCIC Model Media Policy is adopted for reference by members of the Gunnison Police Department to further clarify and define usage of computer access points with CCIC/NCIC access and information obtained CCIC/NCIC systems. Policy information contained in this model policy is incorporated or compliant with other sections within the Gunnison Police Department Policy Manual. Where policy language may conflict employees will utilize the most restrictive language to insure security of the CCIC/NCIC information systems and information obtained.

1109.2 CCIC MODEL MEDIA DISPOSAL POLICY

1.0 Purpose

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at Gunnison Police Department. These rules are in place to protect sensitive and classified information, employees and Gunnison Police Department. Inappropriate disposal of Gunnison Police Department and FBI Criminal Justice Information (CJI) and media may put employees, Gunnison Police Department and the FBI at risk.

2.0 Scope

This policy applies to all Gunnison Police Department employees, contractors, temporary staff, and other workers at Gunnison Police Department, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by Gunnison Police Department.

3.0 Policy

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by Gunnison Police Department.

Physical media (print-outs and other physical media) shall be disposed of by the following method:

1) shredding using Gunnison Police Department issued shredders. A cross-cut shredding machine is located in the Gunnison Police Department Records Office.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier

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Hard-drives, etc.) shall be disposed of by one of the <Agency Name> methods:

1) Overwriting (at least 3 times) - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.

2) Degaussing - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

3) Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from Gunnison Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

4.0 Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

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CCIC Model Physical Protection Policy

1110.1 MODEL POLICY OVERVIEW

The CCIC Model Physical Protection Policy is adopted for reference by members of the Gunnison Police Department to further clarify and define usage of computer access points with CCIC/NCIC access and information obtained CCIC/NCIC systems. Policy information contained in this model policy is incorporated or compliant with other sections within the Gunnison Police Department Policy Manual. Where policy language may conflict employees will utilize the most restrictive language to insure security of the CCIC/NCIC information systems and information obtained.

1110.2 CCIC MODEL PHYSICAL PROTECTION POLICY

Purpose:

The purpose of this policy is to provide guidance for agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI). All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This Physical Protection Policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from insider and outsider threats.

This Physical Protection Policy was developed using the FBI's CJIS Security Policy 5.1 dated July 13, 2012. The intended target audience is Gunnison Police Department personnel, support personnel, and private contractor/vendors with access to CJI whether logically or physically. The local agency may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard and local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Physically Secure Location:

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.Security perimeters shall be defined, controlled, and secured. Restricted non-public areas in the Gunnison Police Department shall be identified with a sign at the entrance.

Visitors Access:

A visitor is defined as a person who visits the Gunnison Police Department facility on a temporary basis who is not employed by the Gunnison Police Department and has no unescorted access to the physically secure location within the Gunnison Police Department where FBI CJI and associated information systems are located.For agencies with jails with CJIS terminals, additional visit specifications need to be established per agency purview and approval.

Visitors shall:

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(a) Check in before entering a physically secure location by:

  (a) Completing the visitor access log, which includes: name and visitor's agency, purpose for the visit, date of visit, time of arrival and departure, name and agency of person visited, and form of identification used to authenticate visitor.

  (b) Document badge number on visitor log if visitor badge issued. If Gunnison Police Department issues visitor badges, the visitor badge shall be worn on approved visitor's outer clothing and collected by the agency at the end of the visit.

  (c) Planning to check or sign-in multiple times if visiting multiple physically secured locations and/or building facilities that are not adjacent or bordering each other that each has their own individual perimeter security to protect CJI.

(b) Be accompanied by a Gunnison Police Department escort at all times to include delivery or service personnel. An escort is defined as an authorized personnel who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

(c) Show Gunnison Police Department personnel a valid form of photo identification.

(d) Follow Gunnison Police Department policy for authorized unescorted access.

  (a) Noncriminal Justice Agency (NCJA) like city or county IT who require frequent unescorted access to restricted area(s) will be required to establish a Management Control Agreement between the Gunnison Police Department and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

  (b) Private contractors/vendors who requires frequent unescorted access to restricted area(s) will be required to establish a Security Addendum between the Gunnison Police Department and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

(e) Not be allowed to view screen information mitigating shoulder surfing.

(f) Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.

(g) Not be allowed to sponsor another visitor.

(h) Not enter into a secure area with electronic devices unless approved by the Gunnison Police Department Local Area Security Officer (LASO) to include cameras and mobile devices. Photographs are not allowed without permission of the Gunnison Police Department assigned personnel.

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(i) All requests by groups for tours of the Gunnison Police Department facility will be referred to the proper agency point of contact for scheduling. In most cases, these groups will be handled by a single form, to be signed by a designated group leader or representative. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to front desk personnel for instances of emergency evacuation and accountability of each visitor while on agency premises.

Authorized Physical Access:

Only authorized personnel will have access to physically secure non-public locations. The Gunnison Police Department will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access.The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

(a) Meet the minimum personnel screening requirements prior to CJI access.

  (a) To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.

  (b) Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.

  (c) Prior to granting access to CJI, the Gunnison Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.

  (d) Refer to the CJIS Security Policy for handling cases of felony convictions, criminal records, arrest histories, etc.

(b) Complete security awareness training.

  (a) All authorized Gunnison Police Department, Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.

  (b) Security awareness training will cover areas specified in the CJIS Security Policy at a minimum.

(c) Be aware of who is in their secure area before accessing confidential data.

  (a) Take appropriate action to protect all confidential data.

  (b) Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.

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(d) Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.

  (a) Report loss of issued keys, proximity cards, etc to authorized agency personnel.

  (b) If the loss occurs after normal business hours, or on weekends or holidays, personnel are to call the Gunnison Police Department POC to have authorized credentials like a proximity card de-activated and/or door locks possibly rekeyed.

  (c) Safeguard and not share passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), and all other facility and computer systems security access procedures. See Disciplinary Policy.

(e) Properly protect from viruses, worms, Trojan horses, and other malicious code.

(f) Web usage—allowed versus prohibited; monitoring of user activity. (allowed versus prohibited is at the agency's discretion)

(g) Do not use personally owned devices on the Gunnison Police Department computers with CJI access. (Agency discretion). See Personally Owned Policy.

(h) Use of electronic media is allowed only by authorized Gunnison Police Department personnel.Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved from a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.

(i) Encrypt emails when electronic mail is allowed to transmit CJI-related data as such in the case of Information Exchange Agreements.

  (a) (Agency Discretion for allowance of CJI via email)

  (b) If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.

(j) Report any physical security incidents to the Gunnison Police Department's LASO to include facility access violations, loss of CJI, loss of laptops, Blackberries, thumb drives, CDs/DVDs and printouts containing CJI.

(k) Properly release hard copy printouts of CJI only to authorized vetted and authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis. (See Sanitization and Destruction Policy)

(l) Ensure data centers with CJI are physically and logically secure.

(m) Keep appropriate Gunnison Police Department security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.

(n) Not use food or drink around information technology equipment.

(o) Know which door to use for proper entry and exit of the Gunnison Police Department and only use marked alarmed fire exits in emergency situations.

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(p) Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

Roles and Responsibilities:

Terminal Agency Coordinator (TAC)

The TAC serves as the point-of-contact at the Gunnison Police Department for matters relating to CJIS information access. The TAC administers CJIS systems programs within the agency and oversees the agency's compliance with FBI and state CJIS systems policies.

Local Agency Security Officer (LASO)

Each LASO shall:

(a) **Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.**

(b) **Identify and document how the equipment is connected to the state system.**

(c) **Ensure that personnel security screening procedures are being followed as stated in this policy.**

(d) **Ensure the approved and appropriate security measures are in place and working as expected.**

(e) **Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.**

Agency Coordinator (AC)

An AC is a staff member of the Contracting Government Agency (CGA) who manages the agreement between the private contractor(s)/vendor(s) and the Gunnison Police Department. A CGA is a government agency, whether a Criminal Justice Agency (CJA) or a NCJA, that enters into an agreement with a private contractor/vendor subject to the CJIS Security Addendum. The AC shall be responsible for the supervision and integrity of the system, training and continuing education of private contractor/vendor employees and operators, scheduling of initial training and testing, and certification testing and all required reports by NCIC.

CJIS System Agency Information Security Officer (CSA ISO)

The CSA ISO shall:

(a) **Serve as the security point of contact (POC) to the FBI CJIS Division ISO.**

(b) **Document technical compliance with the CJIS Security Policy with the goal to assure the confidentiality, integrity, and availability of criminal justice information to the user community throughout the CSA's user community, to include the local level.**

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(c) **Document and provide assistance for implementing the security-related controls for the Interface Agency and its users.**

(d) **ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.**

Information Technology Support

In coordination with above roles, all vetted IT support staff will protect CJI from compromise at the Gunnison Police Department by performing the following:

(a) **Protect information subject to confidentiality concerns—in systems, archived, on backup media, and until destroyed. Know where CJI is stored, printed, copied, transmitted and planned end of life. CJI is stored on laptops, mobile data terminals (MDTs), computers, servers, tape backups, CDs, DVDs, thumb drives, RISC devices and internet connections as authorized by the Gunnison Police Department. For agencies who submit fingerprints using Live Scan terminals, only Live Scan terminals that receive CJI back to the Live Scan terminal will be assessed for physical security.**

(b) **Be knowledgeable of required Gunnison Police Department technical requirements and policies taking appropriate preventative measures and corrective actions to protect CJI at rest, in transit and at the end of life.**

(c) **Take appropriate action to ensure maximum uptime of CJI and expedited backup restores by using agency approved best practices for power backup and data backup means such as generators, backup universal power supplies on CJI-based terminals, servers, switches, etc.**

(d) **Properly protect the Gunnison Police Department's CJIS system(s) from viruses, worms, Trojan horses, and other malicious code (real-time scanning and ensure updated definitions).**

    (a) **Install and update antivirus on computers, laptops, MDTs, servers, etc.**

    (b) **Scan any outside non-agency owned CDs, DVDs, thumb drives, etc., for viruses, if the Gunnison Police Department allows the use of personally owned devices. (See the Gunnison Police Department Personally Owned Device Policy)**

(e) **Data backup and storage—centralized or decentralized approach.**

    (a) **Perform data backups and take appropriate measures to protect all stored CJI.**

    (b) **Ensure only authorized vetted personnel transport off-site tape backups or any other media that store CJI that is removed from physically secured location.**

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(c) **Ensure any media released from the Gunnison Police Department is properly sanitized / destroyed. (See Sanitization and Destruction Policy)**

(f) **Timely application of system patches—part of configuration management.**

(a) **The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws.**

(b) **When applicable, see the Gunnison Police Department Patch Management Policy.**

(g) **Access control measures**

(a) **Address least privilege and separation of duties.**

(b) **Enable event logging of:**

i. **Successful and unsuccessful system log-on attempts.**

ii. **Successful and unsuccessful attempts to access, create, write, delete or change permission on a user account, file, directory or other system resource.**

iii. **Successful and unsuccessful attempts to change account passwords.**

iv. **Successful and unsuccessful actions by privileged accounts.**

v. **Successful and unsuccessful attempts for users to access, modify, or destroy the audit log file.**

(c) **Prevent authorized users from utilizing publicly accessible computers to access, process, store, or transmit CJI.Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.**

(h) **Account Management in coordination with TAC**

(a) **Agencies shall ensure that all user IDs belong to currently authorized users.**

(b) **Keep login access current, updated and monitored. Remove or disable terminated or transferred or associated accounts.**

(c) **Authenticate verified users as uniquely identified.**

(d) **Prevent multiple concurrent active sessions for one user identification, for those applications accessing CJI, unless the agency grants authority based upon operational business needs.**

(e) **Not use shared generic or default administrative user accounts or passwords for any device used with CJI.**

(f) **Passwords**

i. **Be a minimum length of eight (8) characters on all systems.**

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ii. **Not be a dictionary word or proper name.**

iii. **Not be the same as the Userid.**

iv. **Expire within a maximum of 90 calendar days.**

v. **Not be identical to the previous ten (10) passwords.**

vi. **Not be transmitted in the clear or plaintext outside the secure location.**

vii. **Not be displayed when entered.**

viii. **Ensure passwords are only reset for authorized user.**

(i) **Network infrastructure protection measures.**

(a) **Take action to protect CJI-related data from unauthorized public access.**

(b) **Control access, monitor, enabling and updating configurations of boundary protection firewalls.**

(c) **Enable and update personal firewall on mobile devices as needed.**

(d) **Ensure confidential electronic data is only transmitted on secure network channels using encryption and *advanced authentication when leaving a physically secure location. No confidential data should be transmitted in clear text. *Note: for interim compliance, and for the sole purpose of meeting the advanced authentication policy, a police vehicle shall be considered a physically secure location until September 30th 2013. For the purposes of this policy, a police vehicle is defined as an enclosed criminal justice conveyance with the capability to comply, during operational periods.**

(e) **Ensure any media that is removed from a physically secured location is encrypted in transit by a person or network.**

(f) **Not use default accounts on network equipment that passes CJI like switches, routers, firewalls.**

(g) **Make sure law enforcement networks with CJI shall be on their own network accessible by authorized personnel who have been vetted by the Gunnison Police Department.Utilize Virtual Local Area Network (VLAN) technology to segment CJI traffic from other noncriminal justice agency traffic to include other city and/or county agencies using same wide area network.**

(j) **Communicate and keep the Gunnison Police Department informed of all scheduled and unscheduled network and computer downtimes, all security incidents and misuse. The ultimate information technology management control belongs to Gunnison Police Department.**

Front desk and Visitor Sponsoring Personnel

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Administration of the Visitor Check-In / Check-Out procedure is the responsibility of identified individuals in each facility.In most facilities, this duty is done by the Front desk or Reception Desk.

Prior to visitor gaining access to physically secure area:

(a) **The visitor will be screened by the Gunnison Police Department personnel for weapons. No weapons are allowed in the agency except when carried by authorized personnel as deemed authorized by the Gunnison Police Department.**

(b) **The visitor will be screened for electronic devices. No personal electronic devices are allowed in any agency facility except when carried by authorized personnel as deemed authorized by the Gunnison Police Department.**

(c) **Escort personnel will acknowledge being responsible for properly evacuating visitor in cases of emergency. Escort personnel will know appropriate evacuation routes and procedures.**

(d) **Escort and/or Front desk personnel will validate visitor is not leaving agency with any agency owned equipment or sensitive data prior to Visitor departure.**

All Gunnison Police Department personnel and supporting entities are responsible to report any unauthorized physical, logical, and electronic access to the Gunnison Police Department officials. For Gunnison Police Department, the point of contacts to report any non-secure access is the:

LASO Name:	LASO Phone:	LASO email:
AC Name:	AC Phone:	AC email:
State C/ISO Name:	C/ISO Phone:	C/ISO email:

Penalties:

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

Violation of any of the requirements in this policy by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

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Attachments

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MOU with law and DHHS.pdf

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COOPERATIVE AGREEMENT

BETWEEN

GUNNISON/HINSDALE COUNTY DEPARTMENT OF HUMAN SERVICES

AND

LAW ENFORCEMENT AGENCIES

THIS AGREEMENT entered into this _____ Day of _____, by and between Gunnison/Hinsdale COUNTY DEPARTMENT OF HUMAN SERVICES, hereinafter referred to as "Human Services", and

Gunnison Police Department, Gunnison County Sheriff's Office, Mt. Crested Butte Police, Crested Butte Marshall's Office, Lake City Sheriff's Office, Colorado State Patrol, hereinafter referred to as "Law Enforcement Agencies".

WHEREAS, abuse and neglect are community problems requiring cooperation and complementary responses by law enforcement and child protection agencies to protect endangered children; and

WHEREAS, C.R.S. §19-3-304 and §19-3-307 require that incidents of known or suspected child abuse or neglect be reported to the Human Services or local Law Enforcement Agency; and

WHEREAS, referrals and cooperation between Law Enforcement Agency and Human Services are necessary to assure prompt action, protection of the child, and actions as required by law; and

WHEREAS, CRS §19-3-308(5.5) declares that the State legislature intends that county departments of human services enter into cooperative agreements with law enforcement agencies to coordinate the duties of each agency in connection with the investigation of all child abuse or neglect cases.

NOW, THEREFORE, the agencies herein agree as follows:

1. Human Services will notify the appropriate Law Enforcement Agency of reports of known or suspected child abuse or neglect, and provide copies of the report to the respective Law Enforcement Agencies, as required by C.R.S. §19-3-307(3).

2. Law Enforcement Agencies will notify the Child Protection Services Unit of the Gunnison/Hinsdale County Department of Human Services of any report of known or suspected child abuse or neglect received by such Law Enforcement Agencies. Such notice will be provided even where the Law Enforcement Agency will be the only entity conducting an investigation.
   Notification will be provided as outlined in Appendix C attached hereto and by this reference herein incorporates into this agreement.

3. If the incident involves the death of a child, the Law Enforcement Agencies shall notify the Child Protection Services Unit of Human Services.

4. Once each appropriate Law Enforcement Agency and the Child Protection Services Unit of Human Services have been notified of a particular case of known or suspected child abuse or neglect, the methods of investigation and the priority of the case shall be mutually determined on a case-by-case basis. Joint investigations shall be conducted to the extent possible and deemed appropriate. Human Services shall coordinate the investigations of all incidents of known or suspected intrafamilial child abuse and institutional abuse.

5. Cases deemed appropriate for joint investigation between the Child Protection Services "CPS" Unit of Human Services and the Law Enforcement Agency shall include, but are not limited to, the following:

    a. Death of a child when there are surviving siblings in family;
    b. Moderate to severe physical abuse or the risk thereof;
    c. Familial and quasi-familial sexual abuse (by parents, guardian, stepparent, boyfriend, girlfriend, and other persons who reside in the child's home and/or have access to the home);
    d. Severe environmental neglect;
    e. Possibility of need for placement or protective custody;
    f. Suspected danger to investigators from threatening, belligerent parent;
    g. Nonfamilial sexual abuse when alleged perpetrator has children under 18 or there are protective issues for suspected victims;
    h. When it appears that the suspected perpetrator may flee;
    i. When parent refuses access to the children by CPS or refuses medical examination of the children;
    j. Physical or sexual abuse in institutional settings such as a foster home, group home, day care home, residential child care facility or institution;
    k. Conditions suggesting the need for an arrest or the issuance of a summons and complaint;
    l. Drug affected babies; or,
    m. Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, is manufactured or attempted to be manufactured.

6. Cases deemed appropriate for investigation solely by the Child Protection Services Unit of Human Services shall include, but are not limited to, the following:

    a. Mild physical abuse;
    b. Fetal Alcohol Syndrome;
    c. Non-Organic Failure to Thrive;
    d. Medical neglect (including failure to provide medically indicated treatment to disabled infants with life threatening conditions);

e. Third party abuse or neglect when alleged perpetrator under age 10;
f. Educational neglect;
g. Emotional abuse; or,
h. Mild and moderate neglect, lack of supervision.

7. Cases deemed appropriate for investigation solely by law enforcement shall include, but are not limited to, the following:

    a. Third party abuse or neglect when alleged perpetrator over age 10. Third party abuse includes, but is not limited to babysitters, nannies, teachers, school personnel, neighbors, etc.;
    b. Death of a child with no surviving siblings; or,
    c. Report of immediate danger to a child when proximity and speed of law enforcement response is needed, when Child Protective Services Unit of Human Services is not available, and risk to the child indicates immediate evaluation is needed (after hours, welfare check).

8. The undersigned agencies agree to adopt specific procedures and protocol for the purpose of implementing the terms of this cooperative agreement, i.e. coordinate with school districts if necessary.

9. When requested by Law Enforcement Agency in third party abuse or neglect cases, Human Services may assist in interviewing victims under age 6, or older children with special needs.

10. Human Services shall be responsible for ensuring that all parents and families from whom children are removed under court order or by Law Enforcement Agency personnel are provided with a copy of *The Notice of Rights and Remedies* (Appendix A) at the time of the child's removal.

11. This agreement shall be reviewed and updated at minimum every four years from the date of this agreement.

12. Human Services shall provide a copy of this signed agreement to the State Department within 30 days of signature.

GENERAL PROVISIONS OF MOU SIGNATURE PAGE:

A. The intent of this agreement is to clarify and enhance cooperation between agencies whose duties include the protection of children. It is recognized there may be differing opinions regarding some case decisions. In those cases, referral to supervisory levels would be appropriate. Child protection teams also may be used for consultation, feedback and direction regarding cases which have become problematic between agencies. The District Attorney may provide guidance as well. In extreme circumstances, the Court may be requested to intervene to resolve issues related to the legal responsibility of each agency.
B. It is understood there will be joint training with law enforcement and DHHS to implement this agreement.
C. Because agencies and communities are changing entities, annual review for modification or evaluation is expected and accepted as part of this cooperative agreement.
D. DHHS will insure that all signatory agencies are provided with a final, signed copy of this memorandum

THE UNDERSIGNED INDIVIDUALS REPRESENTING THEIR RESPECTIVE AGENCIES HAVE READ THIS DOCUMENT AND AGREE TO IMPLEMENT THE PROCEDURES AS OUTLINED.

X _____

Richard Besecker
Gunnison County Sheriff Date

X _____

Keith Robinson
Gunnison Police Department ...

X _____

Ron Bruce
Hinsdale County Sheriff Date

X _____

Tom Martin
Crested Butte Chief Marshall Date

X _____

Nate Stepanek
Mt. Crested Butte Police Chief Date

X _____

Joni Reynolds, Director
Gunnison Dept. of Health & Human Service...

X _____

David Baumgarten
County Attorney Date

X _____

Colorado State Patrol Date

X _____

Dan Hotsenpilar
District Attorney Date

APPENDIX A

NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES

Your children have been, OR are being removed from your home pursuant to Colorado Revised Statute, Title 19, C.R.S., the Colorado Children's Code. This notice provides you with important information. **This is an important document, please read it carefully.** If English is not your primary language, or you are hearing impaired you may request an interpreter for all proceedings. If you know or have reason to know your family is of American Indian heritage, the Indian Child Welfare Act (P.L. 95-608) applies.

The United States Constitution and State of Colorado Constitution guarantee your right to due process which includes a fair hearing.

PARENTAL RIGHTS:

1. You have a right receive this NOTICE of RIGHTS AND REMEDIES and a juvenile court order.
2. You have a right to an attorney. If the Court decides that you cannot afford to pay an attorney one will be proved for you at no cost. You are entitled to petition the court to appoint an attorney of your choosing that may or may not be granted by the Court.
3. You have a right to participate with the County Department of Social Services (referred to hereinafter a D.S.S) caseworker in developing a case plan.
4. You have a right to a Detention Hearing within 48 to 72 business hours to determine if your child(ren) should return home. This hearing MUST be held either within 48 to 72 hours, excluding Saturdays, Sundays and holidays. If the court decides that your child(ren) should not return home, your children may be placed with their grandparents or other appropriate relatives, or remain in foster care with County Child Protection Services Unit. You have the right to testify and present witnesses in the court as to why the child(ren) should be allowed to return home, or whether they should be place with their grandparents or other relatives. You have the right to compel witnesses by subpoena, to attend all court proceedings, and ask questions of any witnesses. If the petition is granted, the child(ren) are adjudicated dependent and neglected; legal custody of your child(ren) may be given to County D.SS. Families may make later formal requests, at anytime for a hearing to regain legal custody of their child(ren).
5. You have the right to a Juvenile Judge instead of a magistrate at all proceedings of the Court except the initial Detention hearing.
6. You have a right to have the Dependency and Neglect Petition filed with the court no later than ten working days after the child(ren) are removed (Rules of Juvenile Procedure, Rule 4.A.).
7. You have a right to a jury trial.
8. You have a right to have the People prove that the allegations of the petition are true by a preponderance of the evidence. In the case of an Indian child the standard is clear and convincing evidence. If the petition is not granted, the Court can order the state to pay all your costs.
9. You have a right to appeal any final decision of the Court, unless you agree to a finding that you children are "Dependent and Neglected" (this would include an admission of "no fault of your own"). In that case you lose your rights to a jury trial, to subpoena witnesses and to appeal the Court's finding of "Dependent and Neglected."

NON-EMERGENCY REMOVAL:

If your child(ren) are being removed in a non-emergency situation, you are to receive a copy of the juvenile court order authorizing the removal and stating the reasons why your child(ren) are being removed along with a copy of this notice. (If your child is removed from some place other than the home, you are to receive the order the same day).
Specific reason for non-emergency removal: _____
_____

EMERGENCY REMOVAL:

If your child(ren) have been or are being removed under Colorado Statute 19-3-401, you will receive a copy of the court order forthwith.
Specific reason for emergency removal (reason cited from Colorado Statute 19-3-401): _____
_____

Taking children into custody: (1) A child may be taken into temporary custody by a law enforcement officer without order of the court:

(a) When the child is abandoned, lost, or seriously endangered in such child's surroundings or seriously endangers others and immediate removal appears to be necessary for such child's protection or the protection of others;
(b) When there are reasonable grounds to believe that such child has run away or escaped from such child's parents, guardian or legal custodian; or

(c) When an arrest warrant has been issued for such child's parent or guardian on the basis of an alleged violation of section 18-3-304, C.R.S. No child taken into temporary custody pursuant to this paragraph (c) shall be placed in detention or jail.
(1.5) An emergency exists and a child is seriously endangered as described in paragraph (a) subsection (1) of this section whenever the safety or well-being of a child is immediately at issue and there is no other reasonable way to protect the child without removing the child from the child's home. If such an emergency exists, a child shall be removed from such child's home and placed in protective custody regardless of whether reasonable efforts to preserve the family have been made.
(2) The taking of a child into temporary custody under this section shall not be deemed an arrest, no shall it constitute a police record.

Additional comments on removal: _____
_____

REASONABLE EFFORTS

The law requires that reasonable efforts be made before, during, and after removal to keep child(ren) with parents, as described in 19-3-101.1, C.R.S:

Definitions. As used in this article, unless the context otherwise requires:
(1) "Reasonable efforts" means the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement, or are at imminent risk of out-of -home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family that are required both to prevent unnecessary placement of children outside of such children's home and foster, whenever appropriate, the reunification of children with the families of such children. Services provided by a county or city and county in accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this subsection (1). Nothing in this subsection (1) shall be construed to conflict with federal law.

State what reasonable efforts have been made to prevent the removal of the child(ren) from the home or explain why these efforts were not made: _____
_____
_____

TERMINATION OF PARENTAL RIGHTS

If you do not comply with the treatment plan ordered by the court your parental rights may be terminated at a separate hearing. The standard of evidence for termination of parental rights is clear and convincing in all cases, except in cases of Indian child(ren) where the standard is beyond a reasonable doubt. If the petition is not granted, the Court can order the State to pay all your costs.
While your child(ren) is placed out of the home you have the right to visit you child(ren) as permitted by the court and be advised of their wellbeing. There will be regular court-reviews. Periodic reviews take place at the county department of social services. Reviews in court can be requested by you or required by the court.

GRIEVANCE PROCEDURES:

If you feel you have been or are being treated unfairly by the County Department of Social Services, call your County Department of Social Services Director or grievance coordinator. Pursuant to 19-3-211 the county governing body may have established a citizen review panel to hear your grievance.

COUNTY SPECIFIC AND IMPORTANT TELEPHONE NUMBERS:

Caseworker (name and number): _____
Law Enforcement Officer (name and number): _____
County Department of Social Services Director: _____
County Grievance Coordinator: _____
Other Local Resources: _____

Appendix B

AGENCIES CONCERNED AND GENERAL AREAS OF RESPONSIBILITY

A. Law Enforcement Agencies – all municipal police agencies within Gunnison and Hinsdale Counties, the Sheriff's Departments of Gunnison and Hinsdale Counties, Gunnison County Jail, and the Colorado State Patrol will be referred to collectively as "law enforcement agencies."

i. The responsibility of law enforcement agencies is to investigate all cases of alleged third party child abuse or neglect, and all cases of alleged criminal child abuse. By statutory requirement, law enforcement agencies shall also immediately report incidents of intra-familial child abuse and neglect, institutional abuse, and third party abuse if the alleged perpetrator is under 10 years of age to the Gunnison/Hinsdale County Department of Health and Human Services (DHHS).

B. Gunnison/Hinsdale County Department of Health and Human Services– will be referred to as "DHHS."

i. C.R.S. 19-3-308 states that DHHS shall be the agency responsible for coordinating investigations of reports of known or suspected incidents of intra-familial abuse or neglect, institutional abuse, and third-party abuse if the alleged perpetrator is under 10 years of age.

C. Seventh Judicial District Attorney's Office – will be referred to as the "District Attorney."

i. The District Attorney's function is to do justice in the prosecution of criminal cases. The District Attorney will act as an advisor to law enforcement agencies on the legal consequences of investigative procedures and on the sufficiency of evidence necessary to meet the burden of proof in criminal cases.

D. Gunnison County Attorney's Office – will be referred to as the "County Attorney."

i. The County Attorney shall provide legal advice to DHHS and the Sheriff's Department on child welfare issues and shall act as a consultant to law enforcement agencies on such issues. The County Attorney represents DHHS in civil dependency and neglect court proceedings.

Appendix C

NOTIFICATIONS

A. Law enforcement agencies will report by the following methods:

i. DHHS hotline: 970-707-7005 during business hours, or
ii. The statewide hotline: 1-844-264-5437 24/7
iii. Gunnison Dispatch after hours. After hours, Gunnison Dispatch will then contact the DHHS on-call worker.

A DHHS worker is available 24/7 and can be reached via the numbers provided to Dispatch.

B. Law enforcement agencies will report to DHHS as soon as a report reaches them that meets the criteria for a joint investigation (item 5, page 2), or as soon as a report reaches them that warrants notifying DHHS.

Once the report is made, and it is determined that a joint investigation is necessary, agency personnel will coordinate regarding the timing of interviews. Interviewing guidelines follow.

C. DHHS will report to the law enforcement agency of jurisdiction-or Dispatch if unsure-when:

i. DHSS receives a report/information indicating that a crime has been committed,
ii. DHSS receives information indicating that a joint investigation is necessary.

Once the report is made, and it is determined that a joint investigation is necessary, agency personnel will coordinate regarding the timing of interviews. Interviewing guidelines follow.

Appendix D

GUIDELINES FOR INTERVIEWING A CHILD

A. In a joint investigation, investigating officers and DHHS workers are strongly encouraged to meet prior to an interview to determine a plan of action; i.e., who should conduct the interview, who should take notes, whether a parent or other guardian's presence would be helpful or a deterrent, the environment in which the interview is conducted, and the time and location of the interview. Interviews should ideally be conducted by the person with the most experience in forensic interviewing techniques.

B. Such collaboration is encouraged for the purposes of:
   a. Limiting the number of child interviews and trauma to the child
   b. Maximizing the amount of information gathered.

C. In cases of children with special needs, (i.e., Deaf/Hard of Hearing, visually impaired, developmentally/intellectually impaired, non-English speaking) seek an appropriate person/interpreter to assist in the interview. Children will not be used as an interpreter.

D. Interview the child separately from any potential witnesses and suspects. Having a parent or guardian present is also strongly discouraged during the interview with the child. Note that DHHS is required to interview the child outside the presence of any suspected perpetrator.

E. Attempt to gain the child's confidence by creating a comfortable and non-threatening atmosphere and building rapport.

F. Interviews regarding sexual assault should always be conducted with the assistance of a person trained in forensic interviewing and should be recorded.

G. Use of a Child Advocate Center, such as the Dolphin House in Montrose, is highly encouraged for cases involving sexual abuse and/or other circumstances when a forensic interview is needed.

H. Conduct the interview in a language that the child clearly understands. Permit the child to tell about the incident in his/her way in a narrative form. Remember, the child may have difficulty being specific about dates and locations of alleged offenses. Whenever the child has difficulty verbalizing details, visual aids should be considered and may be of use. The officer should limit questions to necessary information and should use open-ended questions whenever possible. Use caution not to lead or further traumatize the child while obtaining needed specific details for criminal prosecution.

I. During the interview of the child victim, it is important to observe and document the child's demeanor as well as the content of his/her statements

J. Seek information about the age and origin of every injury on all victims.

K. To ensure that the victims are identified and that items of evidentiary value are seized, question the child about other victims, pornography, photographs, movies, sexual aids, alcohol, drugs, medications, birth control, or any other items used during the assault.

L. Close the interview in an appropriate manner such as by thanking the child, acknowledging the feelings or concerns the child has expressed, assuring the child that what he/she has experienced is not his/her fault, answering the child's questions, and telling the child that the information he/she has shared is important.

ORG Chart.pdf

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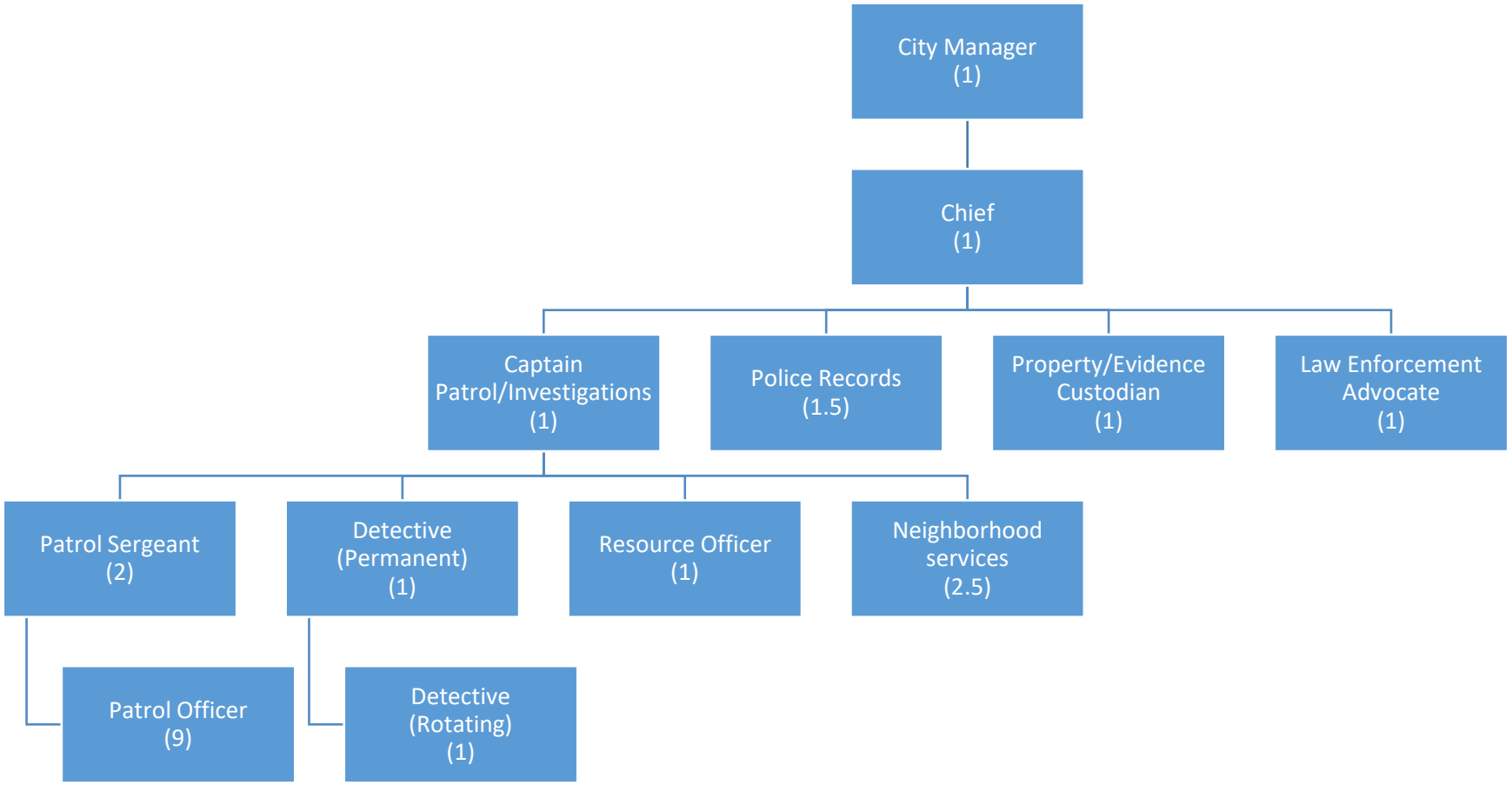
GUNNISON POLICE DEPARTMENT



2023 -2026 DHHS and LE MOU.pdf

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MEMORANDUM OF UNDERSTANDING BETWEEN
GUNNISON/HINSDALE COUNTY DEPARTMENT OF HUMAN SERVICES AND
LAW ENFORCEMENT AGENCIES

This MEMORANDUM OF UNDERSTANDING is entered into this 1st day of July, 2023 by and between the Gunnison/Hinsdale County Department of Human Services, hereinafter referred to as "Human Services", and the Gunnison Police Department, Gunnison County Sheriff's Office, Mt. Crested Butte Police, Crested Butte Marshal's Office, Hinsdale County Sheriff's Office, and Colorado State Patrol, hereinafter referred to as "Law Enforcement Agencies".

WHEREAS, abuse and neglect are community problems requiring cooperation and complementary responses by law enforcement and child protection agencies to protect endangered children; and

WHEREAS, C.R.S. § 19-3-304 and § 19-3-307 require that incidents of known or suspected child abuse or neglect be reported to the Human Services or a local Law Enforcement Agency; and

WHEREAS, referrals, open communication and cooperation between Law Enforcement Agencies, the District Attorney and Human Services are necessary to assure prompt action, protection of the child, and actions as required by law; and

WHEREAS, the Gunnison/Hinsdale County Department of Health and Human Services at the direction of the Board of County Commissioners of Gunnison County and pursuant to agreement(s) with the Board of County Commissioners of Hinsdale County, is the local government child protection and welfare agency for Gunnison and Hinsdale Counties; and

WHEREAS, the Seventh Judicial District Attorney's Office ("District Attorney" or "District Attorney's Office") represents the People of the State of Colorado in criminal prosecutions involving children in Gunnison and Hinsdale Counties; and

WHEREAS, C.R.S. § 19-3-308(5.5) declares that the State legislature intends that county departments of human services enter into cooperative agreements with law enforcement agencies to coordinate the duties of each agency in connection with the investigation of all child abuse or neglect cases.

NOW, THEREFORE, the parties herein set forth the following:

I. DEFINITIONS

The terms "abuse," "child abuse or neglect," "institutional abuse," "intrafamilial abuse," "mandatory reporter," and "third party abuse" are defined as set forth in Title 19 of Colorado Revised Statutes and 12 CCR 2509-1 as those statutes and regulations may be amended from time to time. Any other terms in this Memorandum should first be defined

by reference to Title 19 of Colorado Revised Statutes and 12 CCR 2509-1 as those statutes and regulations may be amended from time to time.

II. NOTIFICATION GUIDELINES

A. Reports of known or suspected child abuse or neglect shall be made to Human Services or the local Law Enforcement Agency. C.R.S. § 19-3-307(1).

B. Human Services shall immediately transmit a copy of a report of known or suspected child abuse the local Law Enforcement Agency and the District Attorney. C.R.S. § 19-3-307(3).

C. Law Enforcement Agencies shall notify Human Services of any report of known or suspected child abuse or neglect received by such Law Enforcement Agencies. Such notice will be provided even where the Law Enforcement Agency will be the only entity conducting an investigation. Notification will be provided as outlined in Appendix C attached hereto and by this reference herein incorporates into this agreement.

D. If the incident involves the death of a child, the Law Enforcement Agencies shall notify the Child Protection Services Unit of Human Services, the County Attorney, and the District Attorney.

III. GUIDELINES FOR CASE ASSESSMENT AND INVESTIGATION

A. Once each appropriate Law Enforcement Agency and the Child Protection Services Unit of Human Services have been notified of a particular case of known or suspected child abuse or neglect, the methods of investigation and the priority of the case shall be mutually determined on a case-by-case basis. Joint investigations shall be conducted to the extent possible and deemed appropriate. Human Services shall coordinate the investigations of all incidents of known or suspected intrafamilial child abuse and institutional abuse. The District Attorney shall make him or herself available for consultation with the appropriate agency in such circumstances.

B. Cases deemed initially appropriate for joint investigation between the Child Protection Services Unit of Human Services and the Law Enforcement Agency shall include, but are not limited to, the following:

1. Death of a child when there are surviving siblings in family;
2. Moderate to severe physical abuse or the risk thereof;
3. Familial and quasi-familial sexual abuse (by parents, guardian, stepparent, boyfriend, girlfriend, and other persons who reside in the child's home and/or have access to the home);
4. Severe environmental neglect;
5. Possibility of need for placement or protective custody;

6. Suspected danger to investigators from threatening, belligerent parent;
7. Third party sexual abuse when alleged perpetrator has children under 18 or there are protective issues for suspected victims;
8. When it appears that the suspected perpetrator may flee;
9. When parent refuses access to the children by CPS or refuses medical examination of the children;
10. Physical or sexual abuse in institutional settings such as a foster home, group home, day care home, residential child care facility or institution;
11. Conditions suggesting the need for an arrest or the issuance of a summons and complaint; or
12. Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, is manufactured or attempted to be manufactured.

C. Human Services is responsible for coordination of all reports of known or suspected intrafamilial abuse. C.R.S. § 19-3-308(4)(a). Cases initially deemed appropriate for investigation solely by the Child Protection Services Unit of Human Services shall include, but are not limited to, the following:

1. Minor physical abuse;
2. Fetal Alcohol Syndrome or substance exposed newborn;
3. Non-organic failure to thrive;
4. Medical neglect (including failure to provide medically indicated treatment to disabled infants with life threatening conditions);
5. Third party abuse or neglect when alleged perpetrator is under age 10;
6. Educational neglect;
7. Emotional abuse; or,
8. Mild and moderate neglect, lack of supervision.

D. Law Enforcement Agencies have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect by persons ten years of age or older. C.R.S. § 19-3-308(5.3)(a). Cases initially deemed appropriate for investigation solely by Law Enforcement shall include, but are not limited to, the following:

1. Third party abuse or neglect when alleged perpetrator is over age 10. Third party abuse includes, but is not limited to babysitters, nannies, teachers, school personnel, neighbors, etc.;
2. Death of a child with no surviving siblings; or,
3. Report of immediate danger to a child when proximity and speed of law enforcement response is needed, when Child Protective Services Unit of Human Services is not available, and risk to the child indicates immediate evaluation is needed (after hours, welfare check).

The District Attorney shall be available for consultation in such circumstances.

9. When requested by Law Enforcement Agency in third party abuse or neglect cases, the Child Protection Services Unit of Human Services may assist in interviewing victims under age 6, or older children with special needs. See Appendix D.

IV. GENERAL PROVISIONS

A. This Memorandum supersedes and revokes all previous memoranda of understanding between and among the parties.

B. The Child Protection Services Unit of Human Services shall be responsible for ensuring that all parents and families from whom children are removed under court order or by Law Enforcement Agency personnel are provided with a copy of The Notice of Rights and Remedies (Appendix A) at the time of the child's removal.

C. This memorandum of understanding shall be reviewed and updated at least every four years from the date of this memorandum.

D. Human Services shall provide a copy of this signed agreement to the State Department of Human Services by July 1, 2023.

GENERAL PROVISIONS OF MOU SIGNATURE PAGE:

A. The intent of this memorandum is to clarify and enhance cooperation between agencies whose duties include the protection of children. It is recognized there may be differing opinions regarding some case decisions. In those cases, referral to supervisory levels would be appropriate. Child protection teams also may be used for consultation, feedback and direction regarding cases which have become problematic between agencies. The District Attorney and the County Attorney may provide guidance as well. In extreme circumstances, the Court may be requested to intervene to resolve issues related to the legal responsibility of each agency.

B. It is understood there may be joint training with law enforcement, the County Attorney, the District Attorney and DHHS to implement this memorandum.

C. Because agencies and communities are changing entities, annual review for modification or evaluation is expected and accepted as part of this memorandum.

D. DHHS will insure that all signatory agencies are provided with a final, signed copy of this memorandum

E. The Appendices to this Memorandum of Understanding are incorporated by reference to this Agreement as if fully set forth herein.

THE UNDERSIGNED INDIVIDUALS REPRESENTING THEIR RESPECTIVE AGENCIES HAVE READ THIS DOCUMENT AND AGREE TO IMPLEMENT THE PROCEDURES AS OUTLINED.

Joni Reynolds 6/8/23

Joni Reynolds, Director Date
Gunnison County Department of Health
And Human Services

Adam W. Murdie 6/8/23

Adam Murdie, Sheriff Date
Gunnison County Sheriff's Office

Nate Stepanek, Chief Date
Mount Crested Butte Police Department

James Saunders, Captain Date
Montrose Troop Office
Colorado State Patrol

Seth Ryan Date
District Attorney

Keith Robinson, Chief Date
City of Gunnison Police Department

Mike Reily, Chief Marshal Date
Crested Butte Marshal's Office

Chris Kambish, Sheriff Date
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District Attorney

Adam Murdie, Sheriff Date
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City of Gunnison Police Department

6/15/23
Nate Stepanek, Chief Date
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Seth Ryan 06/16/2023
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Montrose Troop Office
Colorado State Patrol

6/8/23
Chris Kambish, Sheriff Date
Hinsdale County Sheriff's Office

Appendix A

NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES
REMOVAL or EMERGENCY PROTECTION ORDER

THIS IS AN IMPORTANT DOCUMENT. PLEASE READ IT CAREFULLY.
Podemos ofrecer una versión de este documento en Español.

Parent(s), Legal Guardian(s), and/or Legal Custodian(s) AND Date(s) of Birth:		
Child(ren)'s Name/Date of Birth:		
Human/Social Services Caseworker Name:	**Agency:**	**Phone#:**
Law Enforcement Officer:	**Agency:**	**Phone#:**

INITIAL HEARING:

Location:	**Date:**	**Time:**

NOTICE OF ACTION: Your child(ren) has been or is being removed from your home pursuant to Colorado Revised Statute 19-3-401 or 19-3-405(2)(a), OR a court entered an emergency protective order regarding your child(ren) pursuant to Colorado Revised Statute 19-3-405(2)(b).
Reminder to Law Enforcement Officers and Child Welfare Caseworkers: Attach a copy of the court order when available.

TEMPORARY CUSTODY: Your child(ren) has been or is being removed from your home because:

_____

_____

_____

EMERGENCY PROTECTION ORDER: A court entered a temporary protection order regarding your child(ren) stating:

_____

_____

NOTICE OF RIGHTS:

1. You have a right to receive this Notice of Rights and Remedies.
2. If you believe your child(ren) is a registered member of, or eligible for membership in, a

federally-recognized American Indian Tribe, then the Indian Child Welfare Act, which governs the removal of American Indian children from their families, may apply. Distinct rights and protections are afforded under the act which is codified at 25 USC §§ 1901-1963.

3. The United States Constitution and the Colorado State Constitution provide you due process rights, which include a right to notice of hearings and an opportunity to be heard.
4. You have a right to attend all hearings.
5. You may request an interpreter for hearings if English is not your primary language or you are hearing-impaired.
6. You have a right to an attorney. If you are unable to financially secure an attorney you have the right to ask the court to appoint you an attorney. If a court decides you qualify for court-appointed counsel, it will provide you an attorney at no cost to you.
7. You have a right to receive copies of written court orders once they are available.
8. **Reasonable Efforts**: The law requires that reasonable efforts be made to prevent a child's removal from the home and to reunite the child and the family upon removal unless an exception applies under C.R.S. § 19-1-115(7). "Reasonable efforts," means the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement, or are at imminent risk of out-of-home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family that are required both to prevent unnecessary placement of children outside of such children's home and foster, whenever appropriate, the reunification of children with the families of such children. (C.R.S. § 19-1-103(89)).
9. **Initial Hearing:** You have a right to a prompt hearing to determine if your child(ren) should return home OR if the temporary emergency protection orders should remain in place. This hearing MUST be held:
    a. within 72 hours, excluding Saturdays, Sundays and holidays when temporary custody of your child(ren) is placed with the county department of social services or when an emergency protection order is entered (C.R.S. § 19-3- 405); OR
    b. within 48 hours, excluding Saturdays, Sundays, and legal holidays, if your child(ren) is placed in a shelter facility or temporary holding facility not operated by the department of human services(C.R.S. §§ 19-3-401 or 19-3-403(2)).

    If the court decides that your child(ren) should not be returned to your home, your child(ren) may be placed/continue to be placed with suitable relatives, kin, or kin-like placements, in a shelter facility designated by the court, or in foster care. C.R.S. § 19-3-403
10. You have a right to testify during hearings.
11. You have a right to subpoena witnesses, which includes the right to require witnesses to appear at, and testify during, hearings.
12. You have the right to question all witnesses directly, or through your attorney if you are represented
13. You have a right to have a petition in dependency and neglect filed no later than fourteen (14) days after your child(ren)'s removal, unless the court orders otherwise (Colorado Rule of Juvenile Procedure 4(a)).
14. **Dependency and Neglect Trial:** You have a right to a court or jury trial to determine if your child(ren) is dependent or neglected. During that trial, the county department of human/social

services must prove that your child(ren) is dependent and/or neglected by a preponderance of the evidence. If you admit that your child(ren) is dependent or neglected, then you waive your rights to a trial, to subpoena and question witnesses, and to appeal the court's findings and orders of adjudication.

15. You have a right to have your case heard by a judge instead of a magistrate, except for the initial hearing regarding temporary custody or temporary emergency protection orders.
16. **Treatment Plan:** You have a right to work with the county department of human/social services to develop a treatment plan. All parties will be requested to sign the treatment plan. If you disagree with all or any part of the treatment plan, you may request a contested hearing.
17. **Case Reviews:** There will be regular reviews of your case in court and at the county department of human/social services. Court reviews can be required by the court or requested by any party, including you.
18. **Termination:** If your child(ren) is found dependent or neglected and you do not reasonably comply or are not successful with an appropriate treatment plan your parental rights may be terminated at a separate hearing.
19. **Appeal:** You have a right to seek review of any final appealable orders.
20. **Conflict Resolution Process:** If you feel you have been or are being treated unfairly by the county department of human/social services, you may use the following information to contact your caseworker's supervisor, the director of your county department of human/social services, and/or your county grievance coordinator. Your grievance may also be reviewed by a citizen review panel upon your request if your grievance has not been resolved to your satisfaction. (C.R.S. § 19-3-211).

	Name:	Telephone Number:
Caseworker's Supervisor:		
Department of Human/Social Services Director:		
County Grievance Coordinator:		
Office of the Child Protection Ombudsman:	http://www.protectcoloradochildren.org/	720-625-8640
Colorado Department of Human Services:	cdhs.communications@state.co.us	303-866-4511

Appendix B

AGENCIES CONCERNED AND GENERAL AREAS OF RESPONSIBILITY

A. Law Enforcement Agencies - all municipal police agencies within Gunnison and Hinsdale Counties, the Sheriff's Departments of Gunnison and Hinsdale Counties, Gunnison County Jail, Park Service and the Colorado State Patrol will be referred to collectively as "law enforcement agencies."

The responsibility of law enforcement agencies is to investigate all cases of alleged third party child abuse or neglect, and all cases of alleged criminal child abuse. By statutory requirement, law enforcement agencies shall also immediately report incidents of intra-familial child abuse and neglect, institutional abuse, and third party abuse if the alleged perpetrator is under 10 years of age to the Gunnison/Hinsdale County Department of Health and Human Services (DHHS).

B. Gunnison/Hinsdale County Department of Health and Human Services- will be referred to as "DHHS."

C.R.S. 19-3-308 states that DHHS shall be the agency responsible for coordinating investigations of reports of known or suspected incidents of intra-familial abuse or neglect, institutional abuse, and third-party abuse if the alleged perpetrator is under 10 years of age.

C. Seventh Judicial District Attorney's Office - will be referred to as the "District Attorney."

The District Attorney's function is to do justice in the prosecution of criminal cases. The District Attorney will act as an advisor to law enforcement agencies on the legal consequences of investigative procedures and on the sufficiency of evidence necessary to meet the burden of proof in criminal cases.

D. Gunnison County Attorney's Office - will be referred to as the "County Attorney."

The County Attorney shall provide legal advice and representation to DHHS and the Sheriff's Department on child welfare issues and shall act as a consultant to these agencies on such issues. The County Attorney represents DHHS, at the direction of the Gunnison County Board of County Commissioners,in civil dependency and neglect court proceedings, including but not limited to the legal consequences of investigations and the sufficiency of evidence necessary to meet the burden of proof in dependency and neglect civil actions.

Appendix C

Notifications

A. Law enforcement agencies will report by the following methods:

1. DHHS front desk 970-641-3244
2. Gunnison's child abuse hotline: 970-707-7005 during business hours, or The statewide hotline: 1-844-264-5437 24/7
3. After hours, Gunnison Dispatch will then contact the DHHS on-call worker. A DHHS worker is available 24/7 and can be reached via the numbers provided to Dispatch on the monthly on call schedule.

B. Law enforcement agencies will report to DHHS as soon as a report reaches them that meets the criteria for a joint investigation (item 5, page 2), or as soon as a report reaches them that warrants notifying DHHS.

Once the report is made, and it is determined that a joint investigation is necessary, agency personnel will coordinate regarding the timing of interviews. Interviewing guidelines follow.

C. DHHS will report to the law enforcement agency of jurisdiction-or Dispatch ifunsure-when:
1. DHSS receives a report/information indicating that a crime has been committed,
2. DHSS receives information indicating that a joint investigation is necessary.

Once the report is made, and it is determined that a joint investigation is necessary, agency personnel will coordinate regarding the timing of interviews. Interviewing guidelines follow.

Appendix D

GUIDELINES FOR INTERVIEWING A CHILD

A. In a joint investigation, investigating officers and DHHS workers are strongly encouraged to meet prior to an interview to determine a plan of action; i.e., who should conduct the interview, who should take notes, whether a parent or other guardian's presence would be helpful or a deterrent, the environment in which the interview is conducted, and the time and location of the interview. Interviews should ideally be conducted by the person with the most experience in forensic interviewing techniques.

B. Such collaboration is encouraged for the purposes of:
1. Limiting the number of child interviews and trauma to the child
2. Maximizing the amount of information gathered.

C. In cases of children with special needs, (i.e., Deaf/Hard of Hearing, visually impaired, developmentally/intellectually impaired, non-English speaking) seek an appropriate person/interpreter to assist in the interview. Children will not be used as an interpreter.
D. Interview the child separately from any potential witnesses and suspects. Having a parent or guardian present is also strongly discouraged during the interview with the child. Note that DHHS is required to interview the child outside the presence of any suspected perpetrator.
E. Attempt to gain the child's confidence by creating a comfortable and non-threatening atmosphere and building rapport.
F. Interviews regarding sexual assault should always be conducted with the assistance of a person trained in forensic interviewing and should be recorded.
G. Use of a Child Advocate Center, such as the Dolphin House in Montrose, is highly encouraged for cases involving sexual abuse and/or other circumstances when a forensic interview is needed.
H. Conduct the interview in a language that the child clearly understands. Permit the child to tell about the incident in his/her way in a narrative form. Remember, the child may have difficulty being specific about dates and locations of alleged offenses. Whenever the child has difficulty verbalizing details, visual aids should be considered and may be of use. The officer should limit questions to necessary information and should use open-ended questions whenever possible. Use caution not to lead or further traumatize the child while obtaining needed specific details for criminal prosecution.
I. During the interview of the child victim, it is important to observe and document the child's demeanor as well as the content of his/her statements
J. Seek information about the age and origin of every injury on all victims.
K. To ensure that the victims are identified and that items of evidentiary value are seized, question the child about other victims, pornography, photographs, movies, sexual aids, alcohol, drugs, medications, birth control, or any other items used during the assault.
L. Close the interview in an appropriate manner such as by thanking the child, acknowledging the feelings or concerns the child has expressed, assuring the child that what he/she has experienced is not his/her fault, answering the child's questions, and telling the child that the information he/she has shared is important.

Background Checks for Emergency Placements

Colorado Revised Statutes Title 19, the Colorado Children's Code (19-3-406(1)(a), requires counties to "collaborate with local law enforcement agencies to perform initial criminal history checks followed by fingerprint verifications."

Per this statute, "any time a child is taken into temporary custody by a law enforcement officer and any time the court places temporary custody of a child with a county department pursuant to the provisions of this part 4, and a relative or other available person is identified as a potential emergency placement for the child, the local law enforcement agency shall conduct an initial criminal history record check of the relative or other available person prior to the county department or the law enforcement officer placing the child in emergency placement. When a county department of social services has temporary custody of a child pursuant to the provisions of this part 4 and contacts the local law enforcement agency for an initial criminal history record check of a person who is identified as a potential emergency placement of the child pursuant to the provisions of this section, the local law enforcement agency shall provide the count department with a verbal response regarding the person's criminal history..."

Subsection 4 of 19-3-4-06 states: "A county department or a local law enforcement agency that elects to perform an initial criminal history record check pursuant to the provisions of this section shall not make an emergency placement or continue the emergency placement of a child with a person who has been convicted of one or more of the following offenses:

(a) Child abuse, as described in section 18-6-401, C.R.S;
(b) A crime of violence as defined in section 18-1.3-406, C.R.S.;
(c) A felony offense involving unlawful sexual behavior, as defined in section 16-22-102, C.R.S;
(d) A felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.;
(e) A felony involving physical assault or a drug related offence committed within the preceding five years;
(f) Violation of a protection order as described in section 18-6-803.5, C.R.S.;
(g) A crime involving homicide or
(h) An offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in paragraphs (a) to (g) of this subsection (4)."

If the child is placed with the kinship provider, they are required to have fingerprints taken within five business days.

ORG Chart - revised 04-27-2023.pdf

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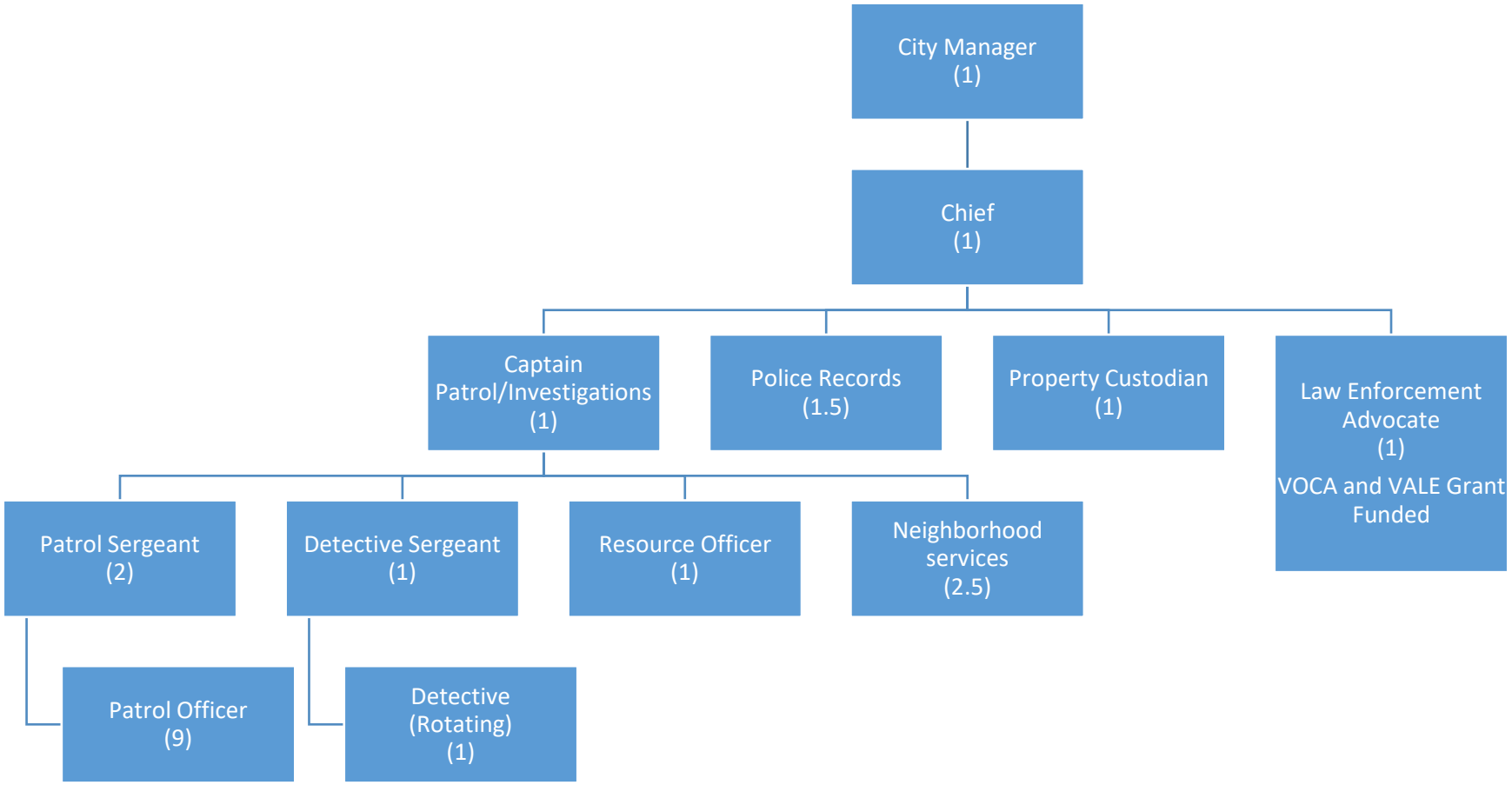
GUNNISON POLICE DEPARTMENT



Use of Force Review.pdf

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GUNNISON POLICE DEPARTMENT **INCIDENT REPORT #**

1. Nature of Call:	2. Date of Incident:	3. Time of incident:

4. Subject Name: (Last, First, Middle)	5. D.O.B.	6. Sex: M F

7. Subjects Address:	8. Home Phone: ( ) 9. Work Phone: ( )

10. Reason for Use of Force:

____Necessary to effect arrest ____Necessary to defend reporting officer
____Necessary to defend another ____To prevent a violent, forcible felony
____To restrain for subjects safety ____Other

11. Was subject injured? ___Yes ___No	12. If treated where and attending physician?

13. Was the subject rendered unconscious? ___Yes ___No	14. At the time of arrest, was subject: ____Under influence of alcohol ____Suspected under influence of alcohol ____Under influence of a chemical drug ____Suspected under influence of a chemical drug ____Other

15. Officer present at time force was used:

16. Level of Resistance:

____Psychological Intimidation
Explain:

____Verbal Threats
Explain:

____Passive Resistance
Explain:

____Defensive Resistance
Explain:

____Active Aggression
Explain:

____Aggravated Active Aggression
Explain:

17. Levels of Control Effected:

___Verbal Direction
Commands given:

___Empty Hand Control
___Muscling techniques
___Joint locks
___Pressure Points Location:
___Hand strike Location:
___Leg/Foot strike Location:

___Intermediate Tools/Devices/Actions
___Chemical agent:
Type:

___Electronic Immobilization Device:
_____ Display _____ Body contact (dry stun) _____ Deploy (darts)

___Impact Devices:
Type: _____ Display: _____ Location of impact: _____

___ K-9
___ Non-Contact Apprehension ___ Canine Bite

___ Firearms
___ Display ___ Discharged ___ Handgun ___ Long gun

Reporting Officer:_____ DSN#_____ Date:_____.

Receiving Supervisor:_____ DSN#_____ Date:_____.

Finding: _ No Violation _ Training identified _ Policy Identified ___ Violation identified

Chief of Police:_____ DSN# _____ Date: _____.

Definition:
No Violation – actions reviewed did not identify officer(s) violated department policy, procedure or law
Training Identified – actions identified indicated that department training needs to be adapted
Policy Identified – actions identified that department policy needs to be adapted
Violation Identified - actions reviewed identified officer(s) violated department policy, procedure or law

Force - Use of Force Review

The officer's use of force is to be measured by two standards, first, the officer's use of control methods were initiated by a subject's resistance; and second, the level of physical force used by the officer was reasonable and necessary, and not excessive when considering the type of resistance offered by the subject.

Force Instructor Review (one reviewer per primary force discipline utilized):

___Arrest control (Empty Hand Techniques) ___ Chemical Agents
___ Electronic Immobilization Devices ___ Impact Tools/Devices ___ Less Lethal Devices
___ Firearms

Finding: _ No Violation _ Training identified _ Policy Identified ___ Violation identified

Comments: _____

_____

_____

Instructor:_____ DSN# _____ Date: _____.

___Arrest control (Empty Hand Techniques) ___ Chemical Agents
___ Electronic Immobilization Devices ___ Impact Tools/Devices ___ Less Lethal Devices
___ Firearms

Finding: _ No Violation _ Training identified _ Policy Identified ___ Violation identified

Comments: _____

_____

_____

Instructor:_____ DSN# _____ Date: _____.

___Arrest control (Empty Hand Techniques) ___ Chemical Agents
___ Electronic Immobilization Devices ___ Impact Tools/Devices ___ Less Lethal Devices
___ Firearms

Finding: _ No Violation _ Training identified _ Policy Identified ___ Violation identified

Comments: _____

_____

_____

Instructor:_____ DSN# _____ Date: _____.

Supervisor (2 supervisors should review/supervisor review may also apply in an instructor capacity):

Finding: __ No Violation __ Training identified __ Policy Identified ___ Violation identified

Comments: _____

_____

_____

Supervisor:_____ DSN# _____ Date: _____.

Finding: __ No Violation __ Training identified __ Policy Identified ___ Violation identified

Comments: _____

_____

_____

Supervisor:_____ DSN# _____ Date: _____.

Administrative Review By Captain:

Finding: __ No Violation __ Training identified __ Policy Identified ___ Violation identified

Comments: _____

_____

_____

Captain:_____ DSN# _____ Date: _____.

Use of Force Report Form is intended as a tracking tool to insure that a review occurs and as an indexing tool for later report identification or research. All information necessary for the review or pertinent to a police investigation will be made part of the police report.

In the event that a policy violation, criminal violation, training concern or policy concern is identified it will be noted briefly on this form then handled per department policy and documented in writing to the Chief of Police.

MOU - Co-Responder.pdf

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MEMORANDUM OF UNDERSTANDING
Gunnison County Mental Health Co-Responder Program

This **Memorandum of Understanding** (MOU) made this 21st, day of November, 2019 by the Gunnison County Law Enforcement Agencies (GCLEA) consisting of the Crested Butte Marshal's Department, Gunnison Police Department, Gunnison Sheriff's Office, and Mt Crested Butte Police Department.

PURPOSE:

This Memorandum of Understanding is to establish an agreement between Gunnison County Law Enforcement Agencies to participate in a Service Agreement between the City of Gunnison and The Center for Mental Health.

Service Agreement is to provide:

1. To work to improve the overall health of individuals needing access to behavioral health services within the service region.
2. To coordinate the provision of crisis and/or emergency services for individuals in Gunnison County through Center for Mental Health's existing crisis services to include Withdrawal Management or Crisis Stabilization Unit by ensuring a thorough understanding of resources available and appropriate referral processes to connect individuals to these resources.
3. To facilitate effective communication and understanding between service organizations for the benefit of individuals and relevant stakeholders.
4. To provide education and support to benefit the parties involved.

UNDERSTANDING:

The following are mutually agreed upon and understood by and among the agencies identified in this Memorandum of Understanding:

1. Crested Butte Marshal's Office, Gunnison County Sheriff's Office and Mt Crested Butte Police Department agree to work as an advisory group to the **Gunnison County Mental Health Co-Responder Program** under the direct supervision of Gunnison Police Department and the City of Gunnison.
2. Law Enforcement agency having jurisdiction over the incident or situation resulting in the notification of Mental Health will retain responsibility for coordination with co-responder and any follow-up contact or transport needs.
3. Law Enforcement agencies agree to work with co-responder to allow time for co-responder to ride with officers to learn the communities, department practices and discuss individuals in the community.
4. Law Enforcement agencies agree to participate in relevant trainings identified by mental health and supported by advisory group.
5. Law Enforcement will Coordinate services with Center for Mental Health when assistance is needed for on-site support of individuals with behavioral health disorders

6. Law Enforcement will coordinate and /or provide transportation from Gunnison County to Center for Mental Health's Withdrawal Management or Crisis Stabilization Unit level of care, when safety of co-responder or individual is a concern. Law Enforcement will transport in law enforcement vehicle.
7. Center for Mental Health will provide a mental health specialist as arranged through the Service Agreement to respond and assist peace officers in need of on-site support for individuals with behavioral health disorders.
    a. When Co-Responder is not available mental health and law enforcement advisory board will establish and make available an alternate plan.
8. The Center for Mental health will provide assessments (if applicable) to individuals with behavioral health disorders to determine appropriate level of care placement.
9. The Center for Mental Health will provide counseling support to peace officers if needed.
10. Gunnison County Law Enforcement agree that all services under the MOU shall be performed in full compliance with all local, state and federal laws, specifically including, but not limited to Health Insurance Portability and Accountability Act of 1996 (HIPAA), the federal regulations that implement HIPPA (primary 45 C.F.R. Parts 160 and 164), and 42 C.R.F. & 2.1, C.R.S. 13-90-ct seq. (Part 2 Regulations).

    Gunnison County Law Enforcement agree to appropriately safeguard any protected health information in accordance with **Gunnison County Mental Health Co-Responder Program** developed policies and applicable state and federal laws.
11. Funding for **Gunnison County Mental Health Co-Responder Program** is through a DOLA, Peace Officer Mental Health Support Grant Program (POMH), awarded to the City of Gunnison and set to expire 06/30/2020.
12. Agency desiring to terminate this MOU should do so in writing. MOU will be reviewed a minimum of 30 days prior to expiration or as needed to address continued funding.

Mike Reily, Chief Marshal
Crested Butte Marshal's Office

John Gallowich, Sheriff
Gunnison County Sheriff's Office

Keith Robinson, Chief of Police
Gunnison Police Department

Nate Stepanek, Chief of Police
Mt Crested Butte Police Department

CoResponder procedure - GPD adopted 122719.pdf

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PROGAM OVERVIEW

The CMH BH Clinician Program (CMH CORE) is a peace officer and mental health co-response program which team's local peace officers (LPOs) with behavioral health clinicians (BH Clinicians) to effectively respond to behavioral and mental health related calls. This collaboration works to prevent unnecessary incarceration and hospitalization of mentally ill individuals and facilitates access to mental health treatment and behavioral health resources.

Program management is under the Gunnison Police Department through funding made possible by a DOLA grant. Clinicians are employed by the Center for Mental Health. A board of agency representatives, from Crested Butte Marshal's Department, Gunnison Police Department, Gunnison Sheriff's Office, and Mt Crested Butte Police Department will meet as needed to continually evaluate the program for improvements.

CORE PROGRAM OUTCOMES

1. Reduce peacekeeping calls for service as a result of incidents caused by substance abuse or mental health issues
2. Reduce the numbers of incarcerated low-level offenders with mental illness
3. Reduce the number of individuals utilizing clinics or hospital emergency rooms as mental health providers.
4. Improve early identification and intervention for mentally ill individuals who have contact with law enforcement agencies within CMH co-responder program.
5. Increase the number of comprehensive and effective interventions for community members in need of mental health resources, case management and/or social services.
6. Improve peace officer access to counseling services when needed.

CORE PROGRAM BH CLINICIAN SERVICES

1. Respond effectively to calls for service and referrals by providing on-scene intervention, providing appropriate clinical assessments and making appropriate referrals to community based and medical organizations.
2. Assess the need for emergency protective custody mental health holds (M-1) on scene.
3. Facilitate community-based treatment to individuals experiencing mental health and/or substance use issues or crises.
4. Provide community-based resources to individuals and their families or support systems to increase stability or functionality following or during a mental health crisis.

5. Provide case management and follow up to clients and their support systems, including assessing the efficacy of the intervention and support services provided and making appropriate additional referrals or providing "wrap-around" services (financial, medical, housing, etc.).
6. Interface with other agencies serving persons with substance use disorders or co-occurring mental illnesses (i.e., community mental health centers, substance use disorder treatment programs, service programs for veterans, and other community service agencies), and
7. Assist in transitioning clients from jail-based services to the appropriate behavioral health and general community services upon release from Jail.
8. Other duties as assigned and agreed upon by the program administrator.

PROCEDURE

CMH CORE Program team members work together to respond to mental health-related calls and ensure the safety of the subject and the scene. LPOs serve as the public safety experts on scene, while the BH Clinician serves as the mental health expert. LPOs and BH Clinicians will collaboratively determine the appropriate and least restrictive treatment for the individual.

Peace officers also will be supported through the availability of the BH Clinician to transport individuals in crisis. After the initial co-response, the BH Clinician will provide follow-up and work to connect subjects to appropriate and effective community-based resources.

PROGRAM LOGISTICS WILL FLUCUATE WITH EACH CoRe POSITION DUE TO FUNDING SOURCE

- Monday – Friday the BH Clinician shift is 6pm-2am.
- Saturday – Sunday a BH Clinician 12pm – 12am.

DISPATCHING BH CLINICIAN TO SCENE

The BH Clinician's response to a scene occurs only during the program's operating hours (above), and when staffed. Outside these hours, a BH Clinician is available on call through the 24 hour service line, see after hours referrals.

1. An LPO should request the BH Clinician respond to the scene through Gunnison Regional Dispatch or contacted directly by LPO. Communications with BH Clinician will be by cell phone:
    - When encountering situations that involve mental illness or significant mental health concern; or
    - When encountering situations that involve behavior health and/or substance abuse concerns; or
    - When the officer believes additional resources, support or further assessment would be beneficial—especially when an emergency mental health hold or other

timely intervention is not appropriate or available—and only after it is determined safe for the BH Clinician to respond.
    - In cases where the scene may not be stable and safe, the officer may consider contacting a BH Clinician by phone to discuss the call and strategize together to come up with an appropriate response, possible resources or de-escalation strategies.
2. The LPO should remain on scene with the BH Clinician for safety reasons until both the BH Clinician and officer agree the scene is stable and that the officer's presence is no longer required.
3. The BH Clinician will conduct appropriate intervention, assessment, or arrangement for support with the individual and members of the individual's support system on scene or through follow-up.
4. The BH Clinician will document any follow-up activities in their case management software.
5. An officer should always complete a case report for these responses.

AFTER HOURS REFERRALS

A referral to the program for follow-up by a BH Clinician is appropriate when an LPO identifies a subject who may have substance abuse, behavioral health or mental health challenges outside of the program's operating hours.

1. The LPO should handle the call per policy without the BH Clinician's assistance (e.g. arrest, protective custody, remain in home, etc.). LPO may utilize the 24 hour notification line, transport to Crisis Center, or take other appropriate action per individual agency policy.
2. The LPO should appropriately document the incident in the records management system, providing enough information so the BH Clinician can evaluate the incident and the subject for the program to begin a follow-up as appropriate. The case report should then be emailed to the BH Clinician before the officer goes off shift.
3. The BH Clinician will review referred calls at the start of each shift and will then do one or both of the following:
    a. Contact the subject for follow-up by telephone;
    b. Respond to a location for follow-up in person, and as needed, respond with an LPO. The officer may clear once the scene is determined to be safe and both the officer and clinician agree the officer's presence is no longer necessary.

MOU - M1 transports.pdf

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MEMORANDUM OF UNDERSTANDING
Care and Transport of Persons with Mental Illness

This **Memorandum of Understanding** (MOU) made this 8th, day of October, 2013 by the Gunnison County Law Enforcement Agencies (GCLEA) consisting of (alphabetically) the Crested Butte Marshal's Department, Gunnison Police Department, Gunnison Sheriff's Office, and Mt Crested Butte Police Department.

PURPOSE

This Memorandum of Understanding hopes to clarify how the GCLEA will determine responsibility for the custody and transport requirements for the Care and Treatment of Persons with Mental Illness (title 27).

EMERGENCY PROCEDURE

- When a person appears to have a mental illness and, as a result of such mental illness, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, then an "intervening professional" as defined under CRS 27-65-105 (II), upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody and placed in a facility designated or approved by the executive director for seventy-two-hour treatment and evaluation.
- A person taken into custody pursuant to CRS 27-65-105 may not be held in a jail, lockup, or other place used for the confinement of persons charged with or convicted of penal offenses for a period to exceed twenty-four hours excluding Saturdays, Sundays, and holidays.
- There are currently no approved public hospital, or licensed private hospital, facilities in Gunnison County which provide seventy-two-hour treatment and evaluation.
- As a result, patients requiring this treatment and evaluation must be transported to approved facilities outside of Gunnison County.
- GCLE Agencies have typically been used to transport these persons to facilities for treatment and evaluation.

COOPERATION

The parties agree to the following with respect to assigning responsibility for transportation of persons taken into custody pursuant to CRS 27-65-105.

- Domicile and residency of the patient or family will not have a bearing on which agency is responsible for the transport.
- The jurisdiction where a person is <u>initially taken into custody</u> for the purposes of a seventy-two-hour hold will be responsible for the initial and eventual transportation to a suitable mental health facility.
- "Initially taken into custody" is where the initial detention is conducted by:
  1. A certified peace officer; a person licensed to practice medicine in Colorado; a psychologist certified to practice in Colorado; a Registered Professional Nurse who by reason of post graduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing; a Licensed Clinical Social Worker; a Licensed Professional Counselor; or a Licensed Marriage and Family

Therapist or a licensed addiction counselor who by reason of post graduate education and additional preparation has gained knowledge, judgment and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders.

2. A court, on an affidavit (Form M-3), sworn to or affirmed before a judge.

- The GCLEA responsible for transportation may ask for assistance and support from other GCLEA members but the initial custodial agency will still bear primary and ultimate responsibility for the custody and transportation of the patient.

WAIVER

No waiver of the provisions of this agreement or waiver of any prior, concurrent or subsequent breach of the same waiver shall be effective unless received in writing with signatures affixed to the statement.

Agreed this date: 10/8/2013

Tom Martin
Chief Marshal
CBMO

Rick Besecker
Sheriff
GCSO

Keith Robinson
Police Chief
GPD

Nate Stepanek
Police Chief
MtCBPD

Drug free workplace.pdf

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DRUG-FREE WORKPLACE POLICY

In accordance with the Drug-Free Workplace Act of 1988, The City of Gunnison as a federal grant recipient is required to certify to the granting agency that we will ensure a drug-free workplace. Failure to comply with this requirement could result in suspension of the grant payments or termination of the grant payments or both. This requirement presents both a necessity and an opportunity to take immediate action to eliminate drug abuse from the workplace. To that end, the following policy is effective immediately:

STATEMENT OF POLICY

It is the policy of the City of Gunnison to prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during City time or on City property or other work sites where City employees may be assigned. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture or transfer of controlled substances during non-working time to the extent such use impairs an employee's ability to perform his or her job or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the City to the general public or threatens its integrity.

An employee found in violation of the above-stated policy will be subject to disciplinary action, up to and including termination for a first offense.

Excluded are prescribed drugs when used in the manner, combination and quantity intended unless job performance could be affected. Employees who must use on over-the-counter or prescription drug that causes adverse effects or may affect ability to perform work in a safe and productive manner must notify his or her supervisor prior to starting work. The supervisor or manager, after proper inquiry, will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.

Compliance with the above-state policy is a condition of employment for all employees of the City of Gunnison. Further, any employee who is convicted under a criminal drug statute for a violation occurring in the workplace or who plead guilty or nolo contendere to such charges must notify the City manager within five (5) days of such conviction or plea. Failure to do so will result in disciplinary action, including termination from employment for a first offense. Employees convicted or who plead guilty or nolo contendere to such drug-related violations are subject to termination and/or mandatory attendance and successful completion of a drug abuse assistance or similar program as a condition of continued employment.

ADOPTED SEPTEMBER 12, 1989
CITY COUNCIL, CITY OF GUNNISON, COLORADO

ACKNOWLEDGMENT:

I have received a copy of the City of Gunnison's Drug-Free Workplace Policy. I understand that in order to continue my employment with the City of Gunnison, I must abide by the terms of that policy. I agree to notify the City of Gunnison of any criminal drug statute conviction or plea of guilty or nolo contendere for a violation occurring in the workplace no later than five (5) days after such conviction or pleas.

_____

Signed

_____

Date

Executed Felony Summons Policy.pdf

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Gunnison Police Department and Gunnison Sheriff's Office

General Order

Section : Felony Summons In Lieu Of A Warrant, Arrest and Request for Prosecution

Active Date: June 1, 2017

.01 Purpose

Occasionally, circumstances may allow for persons accused of certain felony crimes to be issued a felony summons in lieu of arrest. The purpose of this policy is to provide guidance with the issuance of a Felony Summons in these circumstances. The procedure may be used within the guidelines set forth below. Nothing in this procedure shall require a police officer to obtain a felony summons in lieu of a warrant or booking nor does it preclude a police officer from requesting a felony summons for a non-qualifying charge per established process.

.02 Policy

House Bill 16-1104 amended C.R.S. 16-5-206 to allow officers the discretion to serve and release a suspect on a felony summons in lieu of an arrest. The house bill established specific criteria to be met before a felony summons could be utilized. Internally, additional criteria was established. The amendment does not require the use of the felony summons, however there are circumstances when the use of a felony summons is appropriate and can alleviate the time an officer spends processing a suspect. When an officer feels the use of a felony summons is appropriate, they must ensure all criteria established in this policy are met.

.05 Definitions

Felony Summons: a summons to appear in court on felony charges. For the purposes of this procedure it means a felony summons issued in accordance with the guidelines and restrictions set forth below.

VRA Charges: Charges that have been identified under the Victim's Rights Act.

.10 Procedure

A Felony Summons may be issued in lieu of a warrant or booking if the following criteria are met.

- The crime is a class 5 or 6 Felony or a Drug 4 Felony.
- The defendant has had no felony arrests in the previous 5 years.
- There were no allegations of the use of a deadly weapon in the commission of the crime.
- There are no outstanding warrants for the defendant at the time of the issuance of the felony summons.
- The crime is not an unclassified felony punishable by more than 10 years in the Department of Corrections.
- The suspect has no pending criminal court cases.
- The officer reasonably believes that the defendant will appear in court.

Issuing the Felony Summons

- The officer shall ensure the defendant meets the above criteria.
- The officer will conduct a check of the defendant's standard criminal history.
- A copy of the summons must be delivered to the Court and to the District Attorney's Office within five business days of the date of issuance of the summons. The case report will be filed the District Attorney's Office within five business days of the issuance of the summons.
- Officers will utilize the current paper summons to serve and release the defendant and will need to add in the court date as indicated below. All information requested on the current paper summons shall be completed and signed by the Defendant.
- Court days will be set on the next available Tuesday, twenty (20) to thirty (30) days out from the date of the arrest. The appearance time will be 9:00 am.

While there is a requirement to obtain a mug shot, fingerprints and buccal swabs from the defendant, an agreement has been reached with the 7th Judicial District Attorney's Office and the courts for a judge to order these be obtained after the defendants first appearance. The presiding judge will order the defendant obtain these at the summonsing law enforcement agencies.

The following is a list of disqualifying charges:

- Murder of any degree, to include Manslaughter, Criminally Negligent Homicide and Vehicular Homicide.
- Assault of any degree, to include Vehicular Assault
- Felony Menacing
- Kidnapping of any degree
- Sexual assault of any type or degree
- Invasion of privacy for sexual gratification

- Robbery of any degree
- Incest of any degree
- Child Abuse
- Sexual exploitation of a child
- Crimes against at-risk adults or juveniles
- Any domestic violence related crime
- Stalking
- Bias-motivated crimes
- Retaliation against a witness or victim
- Intimidation or aggravated intimidation of a victim or witness
- Tampering with a witness or victim
- Indecent exposure
- Violation of a protection order against a person charged with sexual assault of any type or degree.
- Human Trafficking.
- First Degree Burglary.
- Retaliation against a judge.
- Retaliation against a prosecutor
- Retaliation against a juror.
- Child prostitution, including solicitation, procurement, pimping, inducement or patronizing
- Any attempt, conspiracy, solicitation, or accessory to any of the above crimes.

5/30/2017

Dan Hotsenpiller, District Attorney
7th Judicial District Attorney

ORG Chart - revised 08-01-2023.pdf

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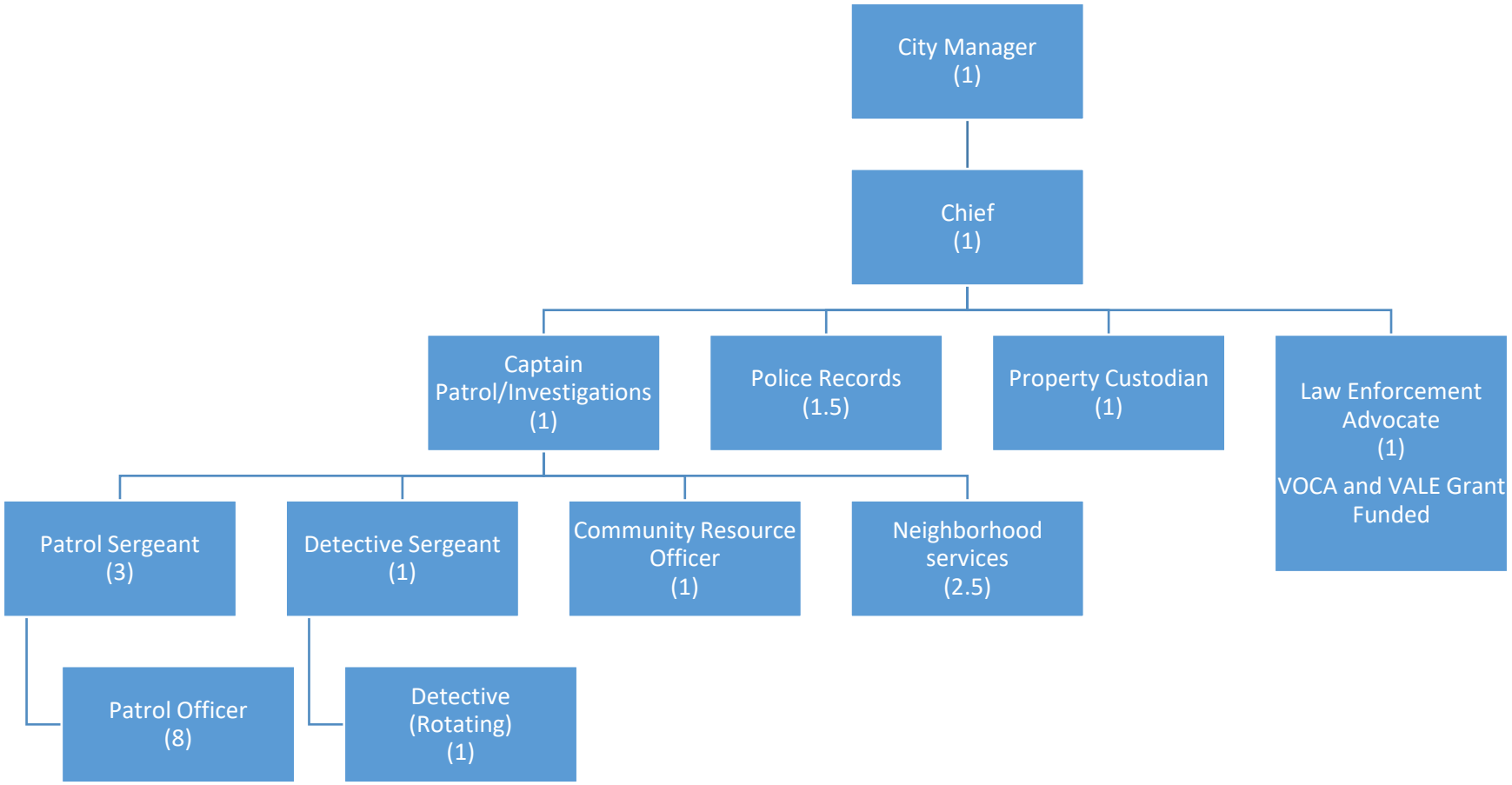
GUNNISON POLICE DEPARTMENT



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CHILD ABUSE

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