Crested Butte Marshal's Department

Standard Operations and Procedures Manual

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Mission, Vision, Values Statements

Mission
In partnership with our community, providing an exemplary level of peacekeeping.

Vision
Aspiring to be a trusted and valued partner, known for our innovation, accountability, and commitment to justice.

Values
Serving with humility, integrity and accountable professionalism while keeping the peace without prejudice or bias.

Chapter 1 Law Enforcement Role and Authority

1.1 Purpose and Scope

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

1.2 Peace Officer Authority

Certified members shall be considered peace officers pursuant to CRS 16-2.5-108. The authority of any such peace officer extends to any place in the State of Colorado and assigns the duty to every peace officer to preserve the peace within the State of Colorado and his/her jurisdiction through all lawful means. A peace officer shall perform those duties necessary as part of the regular and permanent performance of the public power, trust or duty, including those functions that may involve the use of force and the arrest or detention of a person.

The arrest authority of a peace officer includes (CRS § 16-3-102):

1.2.1 In compliance with a warrant.

1.2.2 When any crime is being, or has been, committed in a peace officer's presence.

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

1.3 Interstate Peace Officer Powers

Peace officer powers may be extended within other states pursuant to CRS § 29-1-206(1) as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

Peace officer powers may also be extended when a deputy enters another state in fresh pursuit of a felony subject or a fugitive from justice (CRS § 24-60-101, Arizona Revised Statutes § 13-3831, et seq., Kansas Statutes Annotated § 22-2404, Nebraska Revised Statutes § 29-408, New Mexico Code § 31-2-1, et seq., Oklahoma Statutes Annotated § 221, Utah Code § 77-9-1, et seq., and Wyoming Statutes Annotated § 7-2-106).

Any peace officer of another state who enters this state in fresh pursuit and continues within this state in fresh pursuit has the same authority to arrest and hold such person in custody as a peace officer of this state (CRS § 16-3-104(3)).

1.4 Constitutional Requirements

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

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014

Revised:

100 Code of Conduct

100.1 Purpose and Scope

To develop and disseminate rules and regulations regarding the conduct of members of the Crested Butte Marshal's Department. Members include all sworn and non-sworn employees.

100.2 Policy

The Code of Conduct is comprised of rules used to regulate the behavior of Marshal's department members. While a policy is a philosophy statement of management, and procedures are a way of proceeding to achieve an objective, rules are more specific and less flexible.

Rules are statements that a specific action will or will not be taken in a given situation. The only room for discretion under a rule is determining if the specific situation confronted by the member is one where the rule applies. However, like any regulation that controls the actions of individuals, the spirit of reasonableness has to be inherent in its interpretation and enforcement. It is the policy of this department that the rules embodied in the Code of Conduct shall be applied and enforced with fairness, consistency and reasonableness.

In the case where a Code of Conduct rule may conflict with the Town Personnel Manual, the Town Personnel Manual will prevail, unless the Marshal's Department is specifically exempted.

100.3 Rules

100.3.1 Each member shall obey all laws of the United States of America, and of the State of Colorado and Town of Crested Butte ordinances.

100.3.2 Each member of the department shall maintain familiarity with, and obey all rules, regulations, lawful orders, and directives issued by the department, or by a supervisor. A member shall not commit or omit any acts that violate any rule, regulation, order or directive; nor shall a member aid or abet another to do so.

100.3.3 Each member shall faithfully and properly perform all duties, and shall not engage in any unlawful job action for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

100.3.4 Department members shall treat the confidentiality of their duties with proper regard for the safeguard of information of which they become cognizant during their employment. The official business of the department, and other government agencies, includes the identities of the person involved and shall be considered confidential. Such information shall not be imparted to anyone that it is not intended, or who is not duly authorized to receive it.

100.4 General Conduct

Regulations in this section shall apply to the conduct of members at all times,

both on and off duty. Conduct that would reflect unfavorably on the department, or would bring the department into disrepute is prohibited for all members of the department.

100.4.1 Abuse of Position

a. Members shall not abuse the power and public trusts vested in them and are prohibited from using their credentials, badge, identification or position in any unofficial or unauthorized capacity.
b. Without authority, members shall not allow the use of their names, photograph, or official title which identifies them as members of the department to endorse or advertise any product or service.
c. Members shall not use their membership in the department for the purpose of soliciting, selling, or purchasing any product or service without the express permission of the Chief Marshal.
d. Members shall not use their status as a member of the department to avoid the consequences of illegal acts, or to obtain privileges not available to the general public, except in the performance of their duty.

100.4.2 Intimidating or Threatening Behavior

a. Members will always treat the public and co-workers with courtesy, respect, and shall never maliciously coerce or intimidate any person, or engage in speech or conduct which is discourteous, abusive, profane, obscene or threatening.
b. Members shall not use more force in any situation than is reasonably necessary under the circumstances. Members shall use force in accordance with law and departmental procedures.

100.4.3 Members shall not accept any gift, bribe, gratuities or reward. The town council may reward outstanding job performance.

100.4.4 Members shall not publicly criticize or ridicule the department, its policies or members where such statements are defamatory, obscene, or unlawful. Members shall not represent the department publicly without the permission of the Chief Marshal. Exceptions to this will be PIO duties and other criminal related press announcements or statements that may arise.

100.4.5 Identification

a. Members shall have department issued identification, (ID card and/or badge) and it shall be used to identify the member's authority.
b. Members shall not lend their badge or ID card to anyone or borrow the badge or ID card of another for any purpose.
c. All members taking official action shall honor requests for identification by presentation of badge or ID card. Exceptions to this would be if a special operation or undercover operation was underway.

100.4.6 Unless first addressed, members shall not indicate, in public, the recognition of a sworn member working in plainclothes.

100.4.7 Residence Telephone and Address

a. Members shall provide the department with the address and telephone number of their current residence, and advise the Chief Marshal and the Administrative Assistant of any changes within 24 hours of the move or change. The Administrative Assistant will notify the Town Manager's Office and Finance Office of the change.
b. Members shall have a telephone (cell phone) available at their residence so they may be available for notification in case of emergency.
c. Members shall not divulge the home address or phone number of other members to anyone outside the department without the permission of the member affected.

100.4.8 Members shall not violate the Town's policy on outside employment as defined in the **Town of Crested Butte Employee Handbook, Section 16(c): Outside Employment**.

100.4.9 Members shall not violate the Town's Substance Abuse policy as defined in the **Town of Crested Butte Employee Handbook, Section 21: Drugs & Alcohol**.

100.4.10 Use of Alcohol or Drugs

a. Members who consume intoxicating beverages off duty are solely responsible for their actions. Behavior which tends to discredit the member or the department can be the subject of discipline.
b. Members who report for work in an unfit manner due to intoxicating beverages also are subject to disciplinary sanctions. Unfit for duty is defined as having a blood alcohol level of 0.01 or greater or, any detectable amount of illicit drugs.
c. Members shall not publicly consume alcoholic beverages in uniform or partial uniform where association with the department is apparent.
d. Off duty personnel shall not wear concealed weapons while consuming intoxicating beverages in a public place.
e. Members shall not consume intoxicating beverages while on duty, except in the performance of duty, and while acting under proper and specific and legal orders from a supervisor. Illegal drugs shall not be used at any time.
f. Any prescribed substance that may affect a member's ability to perform the assigned job must be reported to the member's supervisor as soon as possible.
g. Off duty members who are not on call, yet are called to respond to a duty situation and have been drinking alcohol, shall advise the requesting person of their condition.

h. A member suspected of using, or having used, intoxicating liquor or drugs that may affect on duty performance shall be required to submit to a chemical test to confirm or deny the presence of the substance. A refusal to submit to a chemical test will be considered a presumption that the member was under the influence of drugs or alcohol. Supervisors may require a breath, blood, or urine test of any employee suspected of reporting for work in an unfit manner due to alcohol or drugs

100.4.11 Members on suspension status or other disciplinary leave shall not wear the departmental uniform, carry a departmental badge or ID card, carry a concealed weapon or exercise the powers of authority unless specifically authorized by the Chief Marshal or his designee.

100.4.12 Members shall not knowingly depart from the truth in reporting any investigation or making any testimony.

100.4.13 Members shall not belong to, or be affiliated with any person or group that advocates insurrection, treason, anarchy or the overthrow of the Government through unconstitutional means, or which purports superiority of one race over another.

100.4.14 Members shall avoid regular or continuous associations or dealings with persons whom they know, or should reasonably know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonies or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the member.

100.4.15 Sexual harassment by any member to any other person is prohibited. Members shall not violate the Town's Sexual Harassment policy as defined in the **Town Personnel Manual, Section 6.10, SEXUAL HARASSMENT**.

100.5 On Duty Conduct

While on duty, department members shall conduct themselves in such a manner as to reflect favorably on the department. Equipment, performance, and public appearance shall always be held in high esteem complementing those standards established by the department.

100.5.1 Members shall report for duty at the time and place required by assignment, including judicial subpoenas, notice of hearing, or duty schedule. A member shall be physically and mentally fit to perform all duties. Members shall be properly equipped and cognizant of information required for the proper performance of duty.

100.5.2 Neglect of Duty

a. Members shall not engage in any activities or personal business which would cause neglect of, or inattention to duty. This includes recreational reading, game playing, watching television, or movies or otherwise engaging in entertainment. Neglect also involves loafing, abusing lunch and break privileges and failing to efficiently perform job tasks.
b. Members shall remain awake on duty. If unable to do so, it shall be reported to the member's immediate supervisor who will determine the proper course of action.
c. Members shall not leave an assigned post during a tour of duty, except when authorized by a supervisor.
d. Members shall not abuse departmental telephones by using phones unreasonably for personal calls.

100.5.3 Performance

a. Members shall maintain sufficient competency to properly perform the duties and assume the responsibilities of the member's position. Each member shall perform their duties in a manner which will maintain the highest standards of efficiency and effectiveness in carrying out the functions and objectives of the department.
b. Members shall not willfully, or through cowardice, negligence or insubordination, fail to perform the duties and responsibilities of their rank or position.
c. Members shall not interfere with department operations.
d. Members shall use safety belts while operating departmental vehicles. Belts may be removed in anticipation of enforcement contacts when the vehicle is being operated less than 15mph. If the use of safety belts or other restraining devices hampers the efficient conduct of law enforcement functions C.R.S. 42-4-237 waives this requirement.

100.5.4 Physical Appearance and Fitness for Duty

a. Members shall maintain themselves at a level of conditioning to adequately perform their official duties and responsibilities.
b. Members personal appearance on duty whether in uniform or civilian clothes will be in clean and neatly pressed clothing. Uniforms will be in conformance with departmental standards.

100.5.5 When any person requests assistance or advice, or reports an incident, either by telephone or in person, all pertinent information shall be obtained in a courteous and professional manner. Information received shall be properly and judiciously acted upon in conformance to department policies.

100.5.6 Members shall display a strictly impartial attitude toward all persons regardless of sex, age, religion, creed or national origin.

100.5.7 Relationship with the Public

a. Members shall be courteous to the public, being tactful and restrained in the performance of assigned duties. A member shall never express any prejudice concerning race, sex, age, religion, creed, politics, national origin, lifestyle or other personal characteristics. Members shall exercise patience and discretion and shall control their temper and not engage in argumentative discussions or malicious physical retaliation, even in the face of extreme provocation.

b. Members shall promptly report to their supervisor any complaint made by the public about the member, another member, or action of the department. All complaints will be handled pursuant to the **Complaint Process**.

100.5.8 Departmental Records and Reports

a. Members shall submit all necessary reports by the end of the shift or by the deadline imposed by their supervisor. All reports submitted by members shall be as complete as possible and truthful.

b. Members shall maintain confidentiality standards, and shall not misuse information in confidential data sources such as NCIC, CCIC, or DMV files.

100.5.9 Illness or Injury Reports

a. Members shall personally, if possible, report their absence due to illness, injury or other cause prior to the start of their scheduled shift. Members shall report their absence to their supervisor or officer on duty at least one hour prior to the beginning of the scheduled duty.

b. Members shall not feign illness or injury, or falsely report themselves ill or injured, or otherwise deceive, or attempt to deceive any member of the department as to the condition of their health.

c. Employees must file a written notice of any work related injury with the Chief's office within four working days after the occurrence in accordance with Worker's Compensation regulations.

100.5.10 Use of tobacco products is prohibited in Town buildings and department vehicles.

100.5.11 Members on duty or in uniform shall not enter liquor establishments, theaters, or other places of amusement except to perform police functions. Off duty members shall not interfere or disrupt the activities of on duty personnel. Members on duty are not prohibited from eating in restaurants licensed to sell liquor while on duty.

100.5.12 A member who is on duty may not furnish bail for any person except immediate family.

100.5.13 Members shall report any and all criminal activity of private

citizens or departmental members that comes to their attention.

100.5.14 Members, while representing themselves as representatives of the department, shall not testify in civil cases unless legally summoned or subpoenaed.

100.5.15 Civil Suits Filed

a. Members shall not initiate civil action arising out of their official duties without first notifying the Chief in writing.
b. Any member who has a damage suit filed against him/her, by reason of an act performed in the line of duty, shall immediately consult with the Chief. The Chief shall be furnished a copy of the complaint together with an accurate and complete report pertaining to the incident in question so that he may notify the Town Manager and Town Attorney of the pending suit and relevant facts.

100.6 Orders

Members shall obey, in a timely manner, any lawful directive of a supervisor. This will include directives relayed from a supervisor by another employee of the same or lesser rank. Members shall not utter any disrespectful, insolent or abusive language toward another employee.

100.6.1 Supervisors are accountable for the performance of personnel under their immediate supervision.

100.6.2 Unlawful Orders

a. Members shall not issue any order that they know, or should know, to be a violation of federal, state or county law or municipal ordinance.
b. Members shall not obey any order they know or should know to be a violation of federal, state or municipal ordinance. If, in good faith, a member is in doubt as to the legality of an order, a request shall be made to the issuing member for clarification of the order.

100.6.3 Conflicting Orders

a. A member who receives any order that conflicts with a departmental policy or procedure must advise the person giving the order that the order is in conflict with current policy. If the member giving the order insists that the order be followed member receiving the order to report the conflict to their immediate supervisor. If the, the order will be followed. It then becomes the responsibility of the conflict comes from the member's immediate supervisor; the conflict shall be reported to the next person in their chain of command.
b. If a member receives an unlawful order, or any order that will place another member in jeopardy, the member will not follow the order and will report the incident to their immediate supervisor, or the next person in the chain of command if the immediate supervisor is involved in the incident.

100.6.4 Insubordination

a. A member shall promptly obey any lawful order. Failure to do so, subject to other governing regulations, shall be considered insubordination, which is prohibited.

Insubordination may include:

1. Failure or deliberate refusal by any member to obey a lawful order given by a ranking member of the department. This would include orders relayed to a member from a supervisor via another member.
2. Conduct which impairs the operation of the department by interfering with the ability of supervisors to maintain discipline.
3. Speech or conduct toward a supervisor which is discourteous, abusive, disloyal, profane or threatening.

100.7 Abuse of Law Enforcement Powers

A sworn member is prohibited from abusing special law enforcement powers and the trust of the community the member is sworn to serve.

100.7.1 A member shall not make false accusations regarding the federal, the state or local jurisdictions.

100.7.2 A member shall not use more force than is reasonably necessary in any situation to control suspects, arrestees, or any other person.

100.7.3 Members shall not make any arrest, search or seizure which they know, or should know to be illegal.

100.7.4 A member shall not make promises or arrangements with a suspect, or between a victim and a suspect, intended to permit the suspect to escape prosecution, without the knowledge and authority of supervisory personnel and the office of the District Attorney.

100.7.5 Members shall not attempt to exact police discipline or make arrests in their own quarrels or in those involving their family or in private disputes, except under such circumstances as would justify them in using self-defense or to prevent injury to another or when a serious offense has been committed.

100.8 Off Duty Conduct

100.8.1 Off duty officers confronted with a crime in progress will take action to stabilize the situation and notify on duty personnel at their earliest opportunity. Off duty officers are normally out of uniform and less identifiable as officers.

Officers are not expected to take unnecessary risks to intervene; appropriate action may be limited to notifying the Marshal's department and providing firsthand witness information. Once the situation is stabilized and the officer's presence is not required, they may leave.

100.8.2 Off duty officers should not contact traffic violators on sight except when the violation poses a severe risk to the public, involves an accident, or DUI.

100.9 Disciplinary Actions – Specific Violations

Disciplinary action may be taken against a member of the Crested Butte Marshal's Department based on the occurrence of, but not limited to the following violations:

100.9.1 Any violation of policy set forth in this standard, the **Town Personnel Manual as defined in Section 7, DISCIPLINARY ACTION**, or any other Crested Butte Marshal's Department Standard covered below.

100.9.2 Neglect of duties, such as wasting time on the job, loafing, abuse of break privileges, etc.

100.9.3 Interference with department operations, such as interrupting the work of others, gossip, etc.

100.9.4 Inability to perform assigned duties in an efficient and effective manner.

100.9.5 Insubordination, i.e. refusal to follow directions, abusive behavior, etc.

100.9.6 Violation of federal statute, state law, or municipal ordinance.

100.9.7 Illegal activity on the job or illegal activity that casts doubt on the member's ability to perform an assignment effectively.

100.9.8 Abuse of leave.

100.9.9 Receiving payment for working unauthorized overtime.

100.9.10 Falsification of police reports or records or any other official document.

100.9.11 Repeated tardiness or absenteeism.

100.9.12 Damage or waste of town equipment.

100.9.13 Negligence with town money and property.

100.9.14 Deliberate or careless conduct endangering the safety or well being of self, co-workers or the public.

100.9.15 Fighting or attempting to fight during work hours.

100.9.16 Dishonesty.

100.9.17 Being under the influence of alcohol or drugs while on duty, or reporting for duty in an impaired state due to alcohol or drug intake.

100.9.18 Misrepresentation or abuse of one's authority to the public.

100.9.19 Acts that are intended to undermine management's integrity.

100.9.20 Failing to report any known or suspected criminal activity involving a member of this department.

100.9.21 Failure to adequately supervise subordinate members.

100.9.22 Failure to cooperate or provide truthful information during an Internal Affairs Investigation.

100.9.23 Violating the Political Activity provision as defined in the **Town Personnel Manual, Section 6.00 (II)(C), POLITICAL ACTIVITY.**

100.9.24 Any other acts detrimental to the good of the department.

Source: CBMO
Standard: CACP 50.1, 171.1, 171.5
Issued: January 15, 1997, February 23, 2003
Revised: 5/6/2014

102 Code of Ethics

102.1 Purpose and Scope

To establish organizational standards of conduct all members of the Crested Butte Marshal's Department shall abide by the **Law Enforcement Code of Ethics**.

102.2 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 violence 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 which does not bring discredit to me or 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 in both 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 violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of 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 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."

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

104 Oath of Office

104.1 Purpose and Scope

Deputies are sworn to uphold the U.S. and Colorado Constitutions and to enforce federal, state and local laws. All personnel, prior to assuming sworn officer status, shall take and subsequently abide by an oath of office to enforce the laws of the Town of Crested Butte, the State of Colorado and the United States of America, and to uphold the Constitution of the United States and the State of Colorado.

Sworn personnel of the Crested Butte Marshal's Department, by virtue of their oath to office, Colorado Revised Statute 31-15-401 and the United States Constitution reserving police powers to the States, shall have the power and authority, and it shall be their duty, to enforce the ordinances of the Town of Crested Butte, and the laws of the state of Colorado and the United States.

Prior to assuming the duties of a peace officer, all certified employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Colorado Constitution Article XII Section 8).

104.2 The Oath

• I, _____(affiant),
♦ do solemnly swear (or affirm)
★ that I will support, protect and defend
• the Constitution and government of the United States of America,
♦ the Constitution and government of the State of Colorado
★ and the Ordinances of the Town
of Crested Butte,
• against all enemies, foreign or domestic.
♦ I will obey the policies, rules and regulations
★of the Town of Crested Butte and the Crested Butte Marshal's Department.
• I will bear true faith, allegiance and loyalty to the same.
♦ I will well and faithfully perform the duties
★of the office to which I am about to enter
• and to which I have been duly appointed.

I acknowledge the oath _____(affiant signature)

Administered by _____ Date _____/_____/_____

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

106 Officer Discretion

106.1 Purpose and Scope
To establish the department policy regarding the use of discretion by employees.

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

106.3 A police employee, of necessity, must exercise discretion in the performance of their duties. Decision making by police employees may take into consideration such factors as: the person's intent to commit a crime, conditions at the time of the offense, other people's actions, and severity of the violation, the person's cooperation, and any other factor aggravating or mitigating the situation. The police employee's individual beliefs or prejudices are not part of the exercise of discretion.

106.4 The outcome of a contact with the police must be more dependent on the facts of the situation than 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.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised:

Chapter 2 Organization and Administration

200 Organization and Structure

200.1 Purpose and Scope

To establish the order of succession and rank structure for the Marshal's Department, ensuring a logical chain of command.

200.1.1 In the event the Chief Marshal is unavailable and cannot effectively perform the duties of the position, the Chief Marshal should notify the next officer in the order of succession that they are temporarily in command as Acting Chief Marshal.

200.1.2 Should the Chief Marshal become incapacitated through serious illness or death and cannot perform the duties of the position, the first ranking officer in the order of succession will assume command of the Department as Acting Chief Marshal. Likewise, if the Acting Chief Marshal becomes incapacitated or is unavailable, the next ranking officer listed in the order of succession will assume command of the Department with the approval of the Town Manager.

Officers of a higher rank should mentor junior officers (if they show the desire to make that promotion) to ensure their successful promotion to successive ranks. Mentorship and training of an officer's "replacement" is a good practice and necessary to an orderly succession within the Marshal's Department.

200.2 Definitions

Commanding Officer – The Chief Marshal is the senior officer in charge of the Marshal's Office. The Chief works under the supervision of the Town Manager. The Chief Marshal has the responsibility for directing the performance of all subordinates. While they can delegate authority and functions to subordinates, responsibility cannot be delegated. The Chief Marshal will accept, discuss, and handle grievances in accordance with the Town of Crested Butte Employee Handbook and departmental policy.

Executive Officer – The Deputy Chief Marshal is second in command of the Marshal's Office. The Deputy Chief works under the supervision of the Chief Marshal. The Deputy Chief will maintain general supervision over the operation of the personnel under their command. The Deputy Chief will ensure that all policies, rules, regulations, orders and directives of the department are communicated to, implemented by, and followed by their subordinates.

Supervisors – For definition purposes; in the Standard Operations and Procedure Manual, the ranks of Master Deputy and Corporal will be considered "Supervisors". Supervisors have some of the powers and responsibilities of management, occupying a role between the Deputy Chief and the line officers. Supervisors shall provide leadership, guidance, supervision, and continuing training to ensure the efficiency of unit operations. Supervisors shall perform specific duties and functions as assigned by a superior officer.

For the purposes of this operating procedure, the Marshal's Office will offer one position for Master Deputy. An officer will be assigned to Master Deputy only after they have met promotion criteria.

For the purposes of this operating procedure, the Marshal's Office will offer a Corporal position, once the officer has met promotion criteria. More Corporal positions may be considered if circumstances dictate additional supervisors.

Police Training Officer / PTO Coordinator – Regardless of rank, qualified Police Training Officers / Coordinators will receive 5% pay increase with a Personnel Action Request while a cadet is actively training.

Time in-Rank – For the purposes of this operating procedure, time in-rank will consist of continuous service at a particular rank with any equivalent law enforcement agency exclusive of demotions or breaks in service.

Time In-Service – For the purposes of this operating procedure, time in-service consists of time employed by the Crested Butte Marshal's Department in a sworn capacity as a Peace Officer. Breaks in service will not be counted toward time in-service. However, periods of employment as a sworn Chief, Deputy Chief, Master Deputy, Corporal and Deputy Marshal with this Marshal's Office may be combined if breaks in service occur.

All employees must work a minimum of 2,080 hours (40 hours x 52 weeks) and no less than 12 months from their prior promotion to be considered for their next step up. The minimum required hours include holiday pay, vacation, sick leave, and bereavement leave. However, maternity/paternity leave is excluded from hours earned, and officers must make up time spent away from their duties and responsibilities.

200.3 Procedure

The hierarchical order of succession for the Marshal's Department is subject to the availability of open positions and final approval by the Town Manager. The order of

succession shall be as follows:

1. The Chief Marshal
2. The Deputy Chief Marshal
3. A Master Deputy, or Corporal with respect to seniority.
4. The remaining order of succession will be determined by the officer's "Step" in the Step Plan Structure adopted by the Town of Crested Butte.
5. Cadet Recruits and probationary Deputy Marshals have no position within transfer of command.

200.4 Policy – Step Plan Structure

200.4.1 The Step Structure of the Marshal's Office is specifically addressed toward recognizing the knowledge, experience, training, time in-service and ability of the officers.

200.4.2 To accomplish this, a Step Plan Structure is used to allow officers with the skills, accomplishments and desire to move up in the organization, to do so with a clearly established pathway. Likewise, those officers with less desire to attain ranking stature are not unwillingly forced into a potential position of making supervisory decisions.

200.4.3 Reserve Officers have no ability to progress through the step plan structure (unpaid employees) and have no ability to obtain supervisory status by Colorado POST standards.

200.4.4 Deputies

a. Once a deputy meets the criteria for a particular rank they may submit a promotion package, in the form of a memo with supporting documentation, to the Chief Marshal.
b. Upon the timely review of that package, and approval of the Chief Marshal, Deputy Chief Marshal, and Town Manager, the submitter will be appointed to the appropriate Step. Date of the Step is concurrent with the date of promotion.
c. The Chief Marshal may appoint deputies to a supervisory position at their discretion with the approval of the Town Manager.
d. The Chief Marshal may substitute requirements for promotion at their discretion.
e. Unfulfilled requests, or promotion denials, may be submitted to the Town Manager for possible redress of grievance.

200.5 Approval of Required Criteria

200.5.1 For courses to meet the requirements of specialized, investigations, instructor or supervisor schools, they must meet with the approval of the Chief Marshal. Special attention will be given to the current requirements and needs of the Marshal's Office with regard to the skills taught in an "approved" course.

200.5.2 Written testing will consist of questions compiled from the Town "Personnel Manual", Department "Standard Operations and Procedures Handbook", Town Code, Colorado Revised Statutes, U.S. Constitutional law, and from sources of common police practices. The tests for each level will be compiled by department members and will be checked for relevance, correctness and significance.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised: November 5, 2008; October 11, 2016; January 1, 2025

202 Departmental Directive and Special Orders

202.1 Purpose and Scope

To establish the department's written directive system. A complete, well written, directives system is an extremely important component of the modern law enforcement agency. Directives are communications tools which inform all personnel of their responsibilities and standards of behavior. Directives establish the lines of authority and accountability within the department, as well as the course of action the department undertakes in order to achieve stated goals and objectives. Directives also explain department philosophy and define the individual's limits of discretion under defined circumstances.

202.2 Operating Standards

Operating Standards are the directives or policies of the Crested Butte Marshal's Department. They will be issued by the Chief Marshal. The Chief may amend Operating Standards by cancellation or revision. Operating Standards will be considered to be "in effect" on the date of issue, or revision of each Operating Standard.

202.3 Procedures for Creating/Modifying Operating Standards

202.3.1 Proposed "Standard Operations and Procedures" will be sent to the Chief for review.

202.3.2 Proposed "Standard Operations and Procedures" and proposals to modify "Standard Operations and Procedures" will be circulated to affected members for comment prior to implementation.

202.3.3 The Chief is responsible for the distribution of all "Standard Operations and Procedures" and any future revisions. The Administrative Assistant will maintain distribution files and copies of all "Standard Operations and Procedures" in perpetuity. The file copy may be kept on computer record.

202.3.4 Written directives issued at any level of command shall not be in conflict with established "Standard Operations and Procedures" issued by a higher authority.

202.3.5 Whenever appropriate, all "Standard Operations and Procedures" shall carry notations directing attention to other published documents which are related, which rescind, or which supersede other standards or procedures.

202.4 Distribution of Operating Standards

202.4.1 All personnel will be issued individual copies prior to the effective

date of all written directives which affect them, including "Standard Operations and Procedures", Personnel Orders and memoranda. After issuance of a Standard Operation or Procedure, all personnel shall sign for receipt and return said receipt to the Administrative Assistant.

202.4.2 Upon receipt of a written directive, the departmental member will be responsible for placement of the directive in their department issued manual(s) and will be held accountable for the knowledge of and compliance with the contents of such standards, procedures, and memoranda. The departmental member will also be responsible for knowledge of and compliance with written revisions and additions.

202.4.3 Supervisory personnel shall be responsible for providing training to department members concerning newly issued "Standard Operations and Procedures".

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

204 Emergency Management Plan

204.1 Purpose and Scope

To establish authority for command at any police incident and to establish procedures for responding to disaster, emergency and mutual aid incidents.

The Incident Command System (ICS) of the National Incident Management System will be used for all incidents. The level of ICS activation will be based on the size and scope of the incident.

204.2 Authority of Command

204.2.1 The authority of command at any incident will lie with the first officer on the scene until such time as the officer assigned to the call arrives at the scene. At that point, the assigned officer is in command once briefed and command is transferred. The same procedure is in effect to transfer command to a supervisor or the Chief or Deputy Chief Marshal.

204.2.2 Whenever the Chief Marshal is not available, the **ORGANIZATIONAL STRUCTURE and RESPONSIBILTY Standard** applies.

204.3 Definitions

Incident Command System (ICS): A standard organizational system for the management of emergencies. The purpose of the ICS is to bring people, communications, and information together to manage emergency situations. ICS provides common terminology and procedures to ensure effective coordination among a variety of agencies.

Incident Commander: The person responsible for the overall direction and control of a disaster or other emergency.

Inner Perimeter: The immediate area of a disaster site or police emergency.

Outer Perimeter: The demarcation of the area subject to controlled access. Areas outside the Outer Perimeter are deemed safe and open to the public. The area inside the Outer perimeter is deemed unstable or dangerous.

Operations Officer: The person(s) in charge of any operational unit handling an emergency. Individual Operations Officers may include a police supervisor, fire supervisor, medical director or public service coordinator. These individuals are under the direction of the Incident Commander.

Safety Officer: The officer assigned responsibility for assessing hazardous or unsafe

situations and developing measures for assuring personnel safety. Although the safety officer may exercise emergency authority to take immediate action to address a critical safety issue, he/she normally works through the Incident Commander.

Staging Area: Location away from the site for congregation of equipment and personnel.

Temporary Morgue: A facility established to temporarily store, process and identify the deceased at the scene of a disaster.

204.4 Procedure

204.4.1 The initial response to, and the containment of, the scene is the responsibility of the on duty patrol officer. The assigned officer takes initial command of the scene and safely directs other responding units. The first officer's priorities are to request the proper resources and secure the inner perimeter.

204.4.2 The officer assuming command of an incident will identify him/herself as the Incident Commander (IC) to dispatch and other responding units. The incident commander is responsible for ensuring:

a. Requests for fire, rescue, or ambulance service.
b. Evacuation of injured victims and bystanders.
c. Establishment of an outer perimeter around the scene.
d. Establishment of a command post and incident command.
e. Coordination and Communication with other agencies.
f. Selection of a primary and alternate staging area along with temporary morgue if needed.
g. Initial determination of how and where equipment and personnel should be distributed.
h. Arrange for special transportation needs which may be required.
i. Authorization for news media access, and news media policy.

204.4.3 Transfer of command will be face to face whenever possible. Transfer of command will occur when another agency has primary responsibility for the emergency, (such as fire, hazmat, etc). Transfer may also occur if the supervisor or chief elect to assume command after arriving at the scene. Dispatch will be notified immediately.

204.4.4 The IC will implement the ICS to the extent needed to effectively manage the incident.

204.4.5 The IC will make use of a UNIFIED Command whenever the

incident spans multiple jurisdictions unless the agency commanders agree to a single IC.

204.4.6 The Town of Crested Butte Disaster Emergency Management Operations Manual will be used for major emergencies occurring in the Town.

204.5 Resource Materials

- Town of Crested Butte Disaster Emergency Management Operations Manual
- Gunnison County Disaster Plan
- National Incident Management System

Source: CBMO
Standard: CACP 150.1, 160.1, 160.2, 108
Issued: January 15, 1997
Revised:

206 Jurisdiction

206.1 Purpose and Scope

To establish limits and exceptions placed on an officer's authority by geographical area.

Officers are authorized full police powers within the Town Limits of the Town of Crested Butte. Officers may exercise police powers only to the extent authorized by State Statute, authorized under a commission issued by another law enforcement agency in that agency's jurisdiction, or as a private citizen when outside of the Town. All commissions issued by another law enforcement agency will be approved by the Chief Marshal.

206.2 Definitions

Citizen arrest authority: (CRS 16-3-201. Arrest by a private person) A person who is not a peace officer may arrest another person when a crime has been or is being committed by the arrested person in the presence of the person making the arrest.

206.3 Limitations on Authority within the Town Limits

206.3.1 Crimes occurring on Federally owned property may be handled by duly authorized Federal Agencies at their discretion. This means the federal statutes would take precedence over State or Town laws.

206.3.2 Property owned by Gunnison County, or any other political subdivision, located within the Town Limits of the Town of Crested Butte is the jurisdiction of the Crested Butte Marshal's Department. The department encourages joint investigation of crimes occurring on property owned by a political entity having security or law enforcement jurisdiction.

206.4 Authority outside of Jurisdictional Limits

206.4.1 Peace Officers have no police authority granted by the police department beyond the Town limits of Crested Butte except:

a. When officers from that jurisdiction are present and request assistance; or as part of the mutual aid agreement with the town of Mt. Crested Butte.
b. When the officer is in fresh pursuit of a suspect; or
c. When the officer is acting pursuant to a mutual aid agreement or state of emergency; or
d. When the officer is assigned to a multi-jurisdictional group with broadly specified jurisdiction; or
e. When the officer is providing non-criminal support such as life-saving or traffic

control assistance; or

f. When acting under their Gunnison County Sheriff's Commissions.

206.4.2 Authority as a Peace Officer is granted to commissioned members (described in 16-.2.5-101) under CRS 16-3-110.

206.4.3 The department does authorize additional commissions for officers with Hinsdale and Gunnison County. Additional commissions are issued at the discretion of the Sheriff for the respective county. Officers commissioned in another jurisdiction may exercise full police powers under the commissioning agencies authority as herein limited. In all instances the on-duty officer for the local jurisdiction should be advised of any action taken, as soon as is reasonably possible.

206.4.4 The authority to make arrests while off duty granted by CRS 16-3-109 is recognized by this standard.

Source: CBMO
Standard: N/A
Issued: January 15, 1997
Revised:

208 Training

208.1 Purpose and Scope

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

208.2 Pre-appointment Training

This department requires all candidates for employment as deputies to complete an approved Colorado basic academy pursuant to CRS 24-31-305 before performing duties of a certified peace officer, as defined by CRS § 16-2.5-102. Deputies 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.

208.3 Philosophy

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

208.4 Objectives of the training program are to:

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

208.5 Training Plan

It is the responsibility of the Training Manager to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Manager shall review the entire training plan on an annual basis.

The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state required, minimum mandated training of certified deputies or hiring of non-sworn employees.

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

208.5.1 Mandated Training

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

b. State mandated training:
   1. DNA evidence collection (CRS § 24-31-311) (once)
   2. Racial profiling (CRS § 24-31-309) (once)
   3. Basic CPR/First aid
   4. Annual completion of any additional training required by POST

c. Department mandated training:
   1. Emergency Operations Plan (supervisors every two years)
   2. CPR/First aid refresher (every two years)
   3. Pursuit driving (all certified employees yearly)
   4. Firearms training (all certified employees quarterly)
   5. Defensive tactics (all certified employees yearly)
   6. TASER, impact weapon, chemical weapon or other less-lethal weapon (yearly)
   7. Use of force policies (all certified employees review yearly)
   8. Search, seizure and arrest (all certified employees yearly)
   9. Use of body armor (all certified employees every two years)
   10. Ethics (all certified employees every three years)

208.6 Training Needs Assessment

Trainers will conduct an annual training needs assessment and complete a report of the training needs assessment, including recommendations from the Training Committee. The training needs assessment report will be provided to the Chief and Training Review Board. Upon review and approval by the Chief, the needs assessment will form the basis for the training plan for the following fiscal year.

208.7 Training Committee

208.7.1 The Training Manager shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training Committee shall be comprised of the Department's subject matter trainers, with the senior ranking member of the committee acting as the chairperson. The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or

prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Review Board should review include, but are not limited to:

a. Any incident involving the death or serious injury of an employee.
b. Incidents involving a high risk of death, serious injury or civil liability.
c. Incidents identified by a supervisor as appropriate to review to identify possible training needs.

208.7.2 The Training Committee should convene on a regular basis as determined by the Chief or the authorized designee to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should focus on the type of training being recommended.

208.7.2 The Training Manager will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.8 Training Procedures

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

208.9 Training Records

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

208.10 PTO Training Program

The Training Manager shall establish a training program for Probationary Deputy Marshals that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Department. The program shall

establish procedures for the selection, appointment and training of Police Training Officers (PTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of PTO personnel to provide for the objective evaluation of recruit performance.

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

210 Retired Officer Concealed Weapon Permit

210.1 Purpose and Scope

The purpose of this policy is to outline the process and conditions associated with the issuance, denial or revocation of a concealed weapon permit endorsement for retired deputies.

210.2 Qualified Retirees

Any qualified retired law enforcement deputy of this department who was authorized to, and did, carry a firearm during the course and scope of his/her employment may apply for a retiree concealed weapon permit.

Qualified retired law enforcement officer means an individual who (4 CR 9011:27):

a. Retired in good standing from service as a law enforcement deputy, other than for reasons of mental instability.
b. Before retirement was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.
c. Before retirement was regularly employed as a law enforcement officer for an aggregate of at least 15 years or more, or
d. Retired from service with a service related disability after completion of probation.
e. Has a non-forfeitable right to benefits under the retirement plan of the Department.
f. During the most recent 12month period has met the state standard for training and qualification to carry firearms.
g. Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.
h. Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order.
i. Has in possession photographic identification from this Department. A former law enforcement officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct. Nothing in this policy will prohibit a retired law enforcement officer from seeking and obtaining a concealed weapon permit pursuant to CRS § 1812201, et seq., and 4 CCR 9011:27.

210.2.1 Firearms Qualifications

This department may offer a law enforcement officer who retired from this department the opportunity to obtain the firearms qualifications necessary for certification, as pursuant to this policy, at least twice per year at the same facility at which the Department provides firearms training for active law enforcement officers. The retired deputy must demonstrate safety and proficiency in the handling of the firearm.

210.2.2 Issue of Permit and Certificate

Upon verification of required qualification standards, the Chief will issue a concealed weapon permit for retirees of this department. A retired Concealed Weapons Permit may also be available through the Gunnison Sheriff's Office or reciprocal agency where the retiree resides. Applicants granted a concealed weapon permit will also be issued a certificate of proficiency that expires on the anniversary of the date the certificate was issued. A retired deputy may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with the provisions of 18 USC § 926C.

210.3 Carrying Firearms Out of State

Subject to 18 USC § 926C and the Duty Firearms Policy, qualified retired deputies of this department may be authorized to carry a concealed firearm in other states.

210.4 Other Qualified Retirees

Law enforcement officers who have retired from other agencies may apply to the Sheriff of the county in which they reside for a concealed weapon permit.

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210.5 Maintaining a Concealed Weapon Permit

In order to maintain a concealed weapon permit, a retired deputy shall:

a. Apply for a yearly firearms certification at least 30 days prior to the yearly expiration.
b. Demonstrate annually the proficiency for the category of weapon licensed.
c. Renew the permit three years after the date of issue or as required by law.
d. Only be authorized to carry the concealed weapon listed on the concealed weapon permit.
e. Notify the Department within three days if the permit is lost, stolen or destroyed.
f. Notify the Department within 30 days if the applicant changes his/her address.
g. Notify the Department as soon as feasible if the applicant is arrested or served with a court order.

210.6 Denial, Revocation or Suspension of Concealed Weapon Permit

The concealed weapon permit for any officer issued by this department may be temporarily denied, revoked, suspended or permanently revoked upon a showing of good cause. In the event the Department is notified that the retired deputy fails to meet any of the certification requirements or no longer meets the requirements of this policy, state or federal law, the certification and permit shall be immediately revoked and written notice of the revocation sent to the applicant (4 CCR 9011:27(I)(i)).

Good cause, if challenged, shall be determined by judicial review by the county court in which the permit was denied or revoked.

Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The permit or endorsement may be immediately and temporarily revoked by the Chief Marshal or his designee when the conduct of a retired law enforcement officer compromises public safety.

Good cause, if challenged, shall be determined in the following manner:

a. In the event that an endorsement is initially denied, the retired deputy shall have 15 days from the date of denial to request a hearing. The failure to submit in a timely manner a written request for a hearing shall be deemed a waiver. The hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.

b. Prior to revocation of any endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested, to the retiree's last known address. If immediate revocation is necessary, then direct contact may be made as necessary along with written notice.
   1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
   2. The hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.
   3. The failure to submit in a timely manner a written request for a hearing shall be deemed a waiver of such right.

c. The hearing for the denial or revocation of any endorsement should be conducted before a panel of three Department members.
   1. Any retiree who waives the right to a hearing or whose endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card, which shall be stamped "No CWP Privilege."

210.6.1 Supervisory Responsibility

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Chief Marshal as soon as practicable. The Chief Marshal should take the following steps in these instances:

a. Take appropriate steps to promptly look into the matter.

b. If warranted, contact the retiree in person and advise him/her in writing of the following:
   1. The retiree's endorsement is immediately and temporarily revoked.
   2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
   3. The retiree will forfeit his/her right to a hearing and the endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15 day period.

c. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief Marshal should attempt to make the above notice

of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief Marshal may request that a law enforcement officer of that agency act as the Department's agent to deliver the written notification.

d. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested.

210.7 Expired Concealed Weapon Permit

Any concealed weapon permit that has been allowed to expire by the holder and has lapsed for 90 days or more is not subject to renewal and will require a new application process, including the completion and submittal of new forms and the payment of any fees as required with an initial application.

210.8 Retention of Records

Records pertaining to the issuance of concealed weapon permits shall be maintained pursuant to the requirements of any other personnel record or state law.

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

212 Records Administration

212.1 Purpose and Scope

To establish administrative procedures relating to the records function of the department. Records are to be prepared and maintained as necessary to meet the management, operational, and information needs of the department.

212.2 Records Access

The Administrative Assistant will make provisions for continuous (24 hour) access to records when needed by employees of the department. All officers may have records access during non business hours. In emergency situations the officer will contact the Administrative Assistant for assistance.

212.3 Records Repository

212.3.1 The Records Section area is designated the records repository for the department. The official or master copy of documents will be maintained in the repository.

212.3.2 Documents to be maintained in the repository include all hardcopy documents related to a police report. Documents are witness statements, property receipts, other agency reports, lab reports, court documents, etc.

212.4 Alphabetical Master Name Index

The Records Section shall maintain an alphabetized master name index to serve as a cross reference to all documents in which a person has been named. This master name index will be controlling as to referencing and cross referencing individuals to reports, documents, and other records. The ITI System Name File will be the Master Name File for the department.

212.4.1 Names in the index will be those of:

a. Victims in offense reports.
b. Drivers and injured persons in traffic accident reports.
c. Reporting party in incident reports.
d. Arrestee.
e. All summons, citations and parking tickets.

212.4.2 The name index record for juvenile offenders is to be clearly marked as "Juvenile" or "confidential".

212.5 Information Technologies Incorporated (ITI)

212.5.1 The ITI INCIDENT reports will be used for tracking incidents by

type, etc.

212.5.2 The index will include Part I and Part II (National Incident Based Reporting System) NIBRS categories. Other categories and classifications may be used if necessary to track specific data.

212.6 Property Indexes

The National Crime Information Center computer system will be used as an index for comparing or matching serial numbered items that are stolen or recovered.

212.7 Criminal History File

Criminal history information is maintained for each person arrested. This is accomplished by entering the information into the computerized criminal history file as part of the National Crime Information Center network.

Every arrest will be listed, with a case number for cross reference, on the alphabetical master name index. The index should also be annotated when fingerprints or photographs are taken.

Criminal history files for juveniles are to be maintained separately as required by statute.

212.8 Modus Operandi Analysis

The investigators will examine offense reports to determine patterns that may assist in apprehending perpetrators or preventing similar offenses. Officers will augment these efforts using offense reports for crimes occurring during their shifts.

212.9 National Incident Based Reporting System (NIBRS)

The Administrative Assistant is responsible for compiling and reporting information as part of the National Incident Based Reporting System (NIBRS). NIBRS reporting will be accomplished as provided for in the NIBRS Operations Manual.

212.10 Case Disposition Information

Case disposition information (dismissal, failure to prosecute, deferred judgment or prosecution, findings as to guilt, etc.) will be included with the case record as the information becomes available. This information is normally made available from the Office of the District Attorney or the applicable court.

212.11 Privacy and Security Precautions

212.11.1 The privacy and security of criminal history record information (CHRI) will specifically be in accord with U.S. Department of Justice regulations (28 Code of Federal Regulations Part 20).

212.11.2 State statutes (Section 24-72-301 et seq. and 19-2-901 et seq.,

CRS) govern as to the privacy and release of criminal justice, to include juvenile, records.

212.11.3 Operation of the Records Section will be consistent with maintaining the degree of security necessary to reasonably ensure the confidentiality of department records and reports. This should include:

a. Familiarizing all personnel with security requirements.
b Limiting access to the records area to those personnel on official business.
c. Restricting records handling duties, to the extent practicable, to records personnel.

212.12 Records Retention

212.12.1 The retention of public records is governed by Part 1 of Article 80 to Title 24, C.R.S.

212.12.2 The Administrative Assistant will coordinate with the Town Clerk to turn over inactive records for long term storage per state statute while maintaining an active file in the department for working use.

212.13 Fee Collection

The Records Section is responsible for the collection of fees for copies of reports and other records services.

Source: CBMO
Standard: CACP 210.6
Issued: January 15, 2997
Revised: February 23, 2003

214 Reports

214.1 Purpose and Scope

To establish operational procedures relating to police reports. Reports are to be prepared and maintained as necessary to meet the management, operational, and information needs of the department.

214.2 Required Reports

214.2.1 A report or daily log entry is required in any of the following instances when the crime or incident is alleged to have occurred in the department's service area.

a. Citizen report or complaint of crime or incident.
b. Citizen request for service when an; Officer is dispatched, Employee is assigned to investigate, Employee is assigned to take action at a later time.
c. A case (criminal or non-criminal) is initiated by a department employee.
d. Incidents involving non-traffic arrests or summonses.

214.2.2 These required reports will include, at a minimum, the;

a. Date and time of initial report.
b. Name (if available) of the citizen requesting the service, or victim's or complainant's name.
c. Nature of the incident
d. Nature, date, and description of action taken (if any) by department personnel.

214.3 Reporting Procedures

Incidents that are not criminal, traffic violation, town code violations or assistance to other agencies may be entered on the daily log sheet.

214.4 Each incident or offense report will be assigned a case number

214.4.1 Case numbers consist of two sections

214.4.2 YYYY-Individual case number (ex. 2013-0135 which would be the 135th case of 2013)

214.4.3 Numbers used will be the next available number in the IR log book. Numbers will be written in the log book when they are assigned in the computer.

214.4.4 Care will be exercised to ensure that each new case is assigned a unique case number.

214.4.5 Supplemental reports will be filed under the initial case number.

214.5 Review of Reports

214.5.1 Review of reports will normally be the responsibility of all employees.

214.5.2 Each report will be reviewed for form and substance and the code of the person performing the review is to be included in the space provided.

214.6 Distribution of Records and Reports

214.6.1 Routine internal routing is as follows:

a. Completed documents associated and the report are placed in the file
b. A supervisor will review the reports and make case follow-up assignments.
c. The Administrative Assistant processes and files the material.
d. All personnel are expected to review all reports filed since they last worked at the beginning of their shift.

214.6.2 Reports or materials will be released only to other law enforcement agencies, the District Attorney's Office or the Town Attorney's Office as needed by time constraint deadlines. All other release of reports will be coordinated with the assigned Case Officer, Chief Marshal or supervisor on duty.

214.6.3 Requests for copies of reports from the public will be handled in accordance with Parts 2 and 3 of Article 72, Title 24, C.R.S., and Part 9 of Article 2, Title 19, C.R.S. by the records clerk.

214.7 Report Status Accountability

214.7.1 Completed reports are normally expected by the end of the shift in which they were received.

214.7.2 A twenty-four hour extension may be used for reports received at the end of a shift or for lengthy reports.

214.7.3 All arrest reports ("A" case) must be completed prior to the officer's days off or in a time specified by the prosecuting attorney's office.

214.7.4 Cases that have been assigned for follow up investigation will be managed through the case management file. Everyone will be apprised

of their case management status regularly. Everyone is responsible for keeping their case management current.

Source: CBMO
Standard: CACP 210.1 thru 210.6
Issued: January 15, 2997
Revised: February 23, 2003

216 Briefing

216.1 Purpose and Scope

Briefing is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees. Briefing should accomplish, at a minimum, the following basic tasks:

a. Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
b. Notifying officers of changes in schedules and assignments.
c. Notifying officers of new Departmental Directives or changes in Departmental Directives.
d. Reviewing recent incidents for training purposes.
e. Providing training on a variety of subjects.

216.2 Briefing and Roll Call Training

Briefing and roll call training is generally conducted at the beginning or conclusion of the deputy'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.

216.3 Preparation of Materials

The supervisor conducting briefing and/or roll call training, or the deputy 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.

216.4 Retention of Briefing and Roll Call Training Records

Briefing and roll call training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

218 Computer Aided Dispatch/Mobile Data Computer (CAD/MDC)

218.1 Purpose and Scope

This policy establishes guidelines for all members to utilize the CAD/MDC system.

218.2 Policy

When using an MDC computer system, members will comply with Town Policy 6.60 (Access & use of electronic media) regarding the use of the internet, computers and electronic mail.

The CAD/MDC program is designed to create efficiencies at all levels of participation through the reduction of duplication of data entry from field personnel, administrators, and communications personnel. Members may use this tool whenever connectivity is possible, to maximize available benefits.

Any member operating an MDC unit which is equipped with wireless connectivity and the appropriate communications interface device will, if possible, maintain connectivity.

Whenever assigned to, or working in, an area with available connectivity, a member may be logged onto the system, maintain up-to-date information with the communications center, and properly use the basic CAD/MDC functions.

A member may use radio communications in situations where utilizing the CAD/MDC system will compromise officer safety.

218.3 Duty Status

1. Changing Status

a. An officer may change status as needed using the CAD application.

b. When practical, the officer will advise dispatch that a status change using the CAD application was made via the radio.

I. If the status change involves an unknown or higher risk, officers will advise dispatch of the new status via the radio. (i.e. Roadside maneuvers, Follow up investigation at an address, etc.)

c. When clearing an incident an officer must advise dispatch of the final disposition.

2. Initiating/Updating an Incident

a. An officer may initiate or update an incident using the CAD application.

b. Only officers who are familiar with the format and procedures currently used by communications will initiate and update incidents using the CAD application.

I. All information entered as a new incident or an incident update becomes part of the CAD audit trail and as such should be relevant to the incident and stated in such a way that is appropriate for others to view, both within and outside the agency.

c. Traffic contacts will be initiated via the radio unless impractical to do so (i.e. busy radio traffic, other radio traffic is higher priority, etc.)

218.4 Wants and Warrants

1. Only a member who is certified as a CCIC operator will use the Wants and Warrants application of the program.

2. In all usage of the Wants and Warrants application, CCIC operators will adhere to the CCIC Message Switching Policy and Document of Understanding as issued by the Colorado Bureau of Investigation.

3. CCIC operators who are familiar with the format and procedures of the State Messaging System may use Wants and Warrants to obtain information from outside agencies in the furtherance of an inquiry or investigation. (i.e. sending messages Dept. of Motor Vehicles to gain confirmation of the status of a suspended driver or a temporary registration on a vehicle, etc.)

a. Officers will confirm all suspected warrants through a communication center via radio.

b. Officers will advised dispatch of information gained from outside agencies, such as a confirmation message from DMV regarding a driver's status, and ensure that it is added to the CAD audit trail according to the appropriate format and procedures.

4. If a CCIC operator has any question regarding the interpretation of the "hits" returned by a CCIC/NCIC query, the information will be relayed to communications for an additional query.

218.5 Messaging

1. The messaging and chat application may be used for information sharing and for general communications between users.

    1. Information shared in messages and the chat room will contain only information that is appropriate according to the high moral and ethical standards established by the agency.

218.6 Security

Users are authorized to remove the MDC from the docking station, however the user must maintain control of the MDC or have it secured at all times. (i.e. crime scene photos, interviews, secured in docking station, office use, locked patrol vehicle, etc.)

Source: CBMO
Standard: CJIS Security Policy
Issued: September 29, 2017
Revised:

Chapter 3 General Operations

300 Hiring

300.1 Purpose and Scope

The purpose of this policy is to define the requirements for screening potential employees of the Crested Butte Marshal's Department. The reasoning behind the increased scrutiny of prospective employees is that positions held with this office have access to confidential information, and a higher expectation of honesty, integrity and professionalism than the average Town employee. To that end, a comprehensive hiring process for prospective employees must be conducted.

It is the policy of the Marshal's Department that all employees will conduct themselves in a manner befitting professionals with special regard for the public's confidence. While no sure indicator of future suitability, a comprehensive hiring process that includes a background check is an industry standard. State law with respect to POST certified positions requires further psychological and medical testing. In keeping with Equal Opportunity legislation no potential employees will be discriminated against with respect to race, gender, ethnicity, physical handicap or sexual orientation.

300.2 Job Posting

300.2.1 It is the intent of the Marshal's Office to try to find the best applicants for a particular job.

300.2.2 At very minimum, vacancies for employment will be posted in the local newspaper and on the CCIC information network.

300.2.3 For POST certified positions, efforts might be made to contact Colorado police academies to offer applications.

300.2.4 Additional postings should be made through other available networks as dictated by time, cost and suitability for the sought position.

300.3 Civilian Employees - Initial Hiring Process

300.3.1 Applicant(s) will submit a letter of intent and fill out a comprehensive pre-employment questionnaire and information release.

300.3.2 Once applications have been reviewed, potential civilian employees will be invited to attend the initial hiring interview.

300.3.3 Task specific testing will be conducted for those positions

requiring special skills.

300.3.4 Applicants for positions as civilian employees will be interviewed by members of the Marshal's Office staff and any persons appointed by the Chief Marshal who are appropriate to sit on the hiring board.

300.3.5 At the end of the oral interview process the hiring board will convene and vote.

a. The applicants holding a majority of votes will continue to the Second Phase of the hiring process.
b. In the event there are no suitable candidates for hire, the process will be posted again.

300.3.6 Selected applicant(s) will have a background investigation commence.

300.4 Police Employees – Initial Hiring Process

300.4.1 Applicant(s) will submit a letter of intent and fill out a pre-employment questionnaire and information release.

300.4.2 Once applications have been reviewed, potential police employees will be invited to attend the Initial Phase of Testing.

300.4.3 Initial Testing may consist of;

a. Task appropriate Physical Fitness Test battery. Applicants must meet the minimum standard to proceed.
b. Written police-specific testing to include spelling and grammar tests. Applicants must score higher than 70% to proceed.
c. Oral and visual comprehension tests. These tests will not be pass/fail but might be considered during the interview process.

300.4.4 Those applicants who pass the Initial Testing Phase will be invited to attend the Initial Oral Interview.

a. The oral board will consist of an interview by members of the Marshal's Office and any persons appointed by the Chief Marshal who are appropriate to sit on the hiring board.
b. The same Initial Oral Interview questions will be asked of all applicants.
c. At the end of the Oral Interview process the hiring board will convene and vote.
    1. The applicants holding a majority of votes will continue to the Second Phase of the hiring process.
    2. In the event there are no suitable candidates for hire, the process will be posted again.

300.5 Background Investigation

Thorough background investigations will be conducted on all pre-employment hires. Interviews may be conducted through written communication, over the telephone, e-mailed or conducted in person when available.

300.5.1 All potential hires will have the following areas checked and evaluated by the assigned Background Investigator(s).

a. Answers to the applicant's questionnaire and initial application information will be checked for truthfulness.
b. NCIC/CCIC Criminal History.
c. Driver's History (for those driving Town vehicles).
d. Credit Check.
e. CBI "Applicant" Fingerprint card(s) will be submitted.
f. Credit Check.
g. Social Security Number verification
h. Former employers will be contacted and questioned as to the applicant's suitability for hire.
i. Personal references will be contacted and questioned as to the applicant's suitability for hire.
j. Final interview with the applicant to review and correct any deficiencies in the Application.
k. Any other suitable references to check the applicant's suitability for hire.

300.5.2 All potential police hires will have the following areas checked and evaluated in addition to those already checked by the assigned Background Investigator.

a. Current and former landlords and neighbors should be contacted and questioned as to the applicant's suitability for hire.
b. Educational institutions should be contacted and questioned as to the applicant's suitability for hire.
c. Personal references will be contacted and questioned as to the applicant's suitability for hire.
d. Psychological profile. Written psychological test battery and evaluation by a licensed psychologist or therapist.
e. If indicated during the background testing, a polygraph test may be offered.

300.5.3 The background investigation will be considered in total and an evaluation to hire will be made with regard to the applicant's integrity, honesty, criminal/fiscal history and stability in both their personal and professional lives.

300.5.4 The background investigator will make recommendations to the Chief Marshal based on the investigation done for each applicant.

300.5.5 Medical

a. A licensed Doctor or Physician's Assistant will conduct the medical tests and make a determination regarding the applicant's suitability for hire in the indicated position. The following DOT physical screening test battery will be offered and evaluated.
b. Height/Weight
c. Body fat composition
d. Vision test
e. Color blind test
f. Heart and blood pressure test
g. Blood test (HIV, hepatitis, etc)
h. Respiratory test
i. Hernia examination
j. Urine test for illegal substances

300.6 Considerations

300.6.1 Applicant's who successfully complete Second Phase testing will be invited to attend the Chief's Interview. The Chief Marshal, and any other person(s) he deems valuable to the final decision-making process, will conduct the Chief's Interview.

300.6.2 All hiring will be based on the Chief Marshal's final recommendation after careful review of each phase of the hiring process.

300.6.3 The selected candidate may be conditionally offered a position with the understanding that all conditions placed on the candidate will be fulfilled in the allotted time frame (completion of POST, CCIC, NACA Level I or other required training for the position).

Source: CBMO
Standard:
Issued: 5/6/2014
Revised:

301 Police Training Officer (PTO) Program

301.1 Purpose

To establish department policy adopting a formalized program of recruit training. In support of the department's effort to select qualified police officers and ensure that adequate and consistent training is afforded sworn members of this department, a formal program for recruit police officer training shall be adopted. At a minimum, the program shall include an in-house orientation covering Town and Department policies, procedures, regulations and rules, a Police Training Officer Program (PTO PROGRAM) and a period of probationary status in a solo-duty capacity designed to assess employee job proficiency.

301.2 Training Overview

Info	Integration	Day Phase	Mid-term	Night Phase	Final
Sched.	1week	6weeks	1 week	6 weeks	1 week
Contents	Use of Force SOPs Firearm qualifications Geography LL/OC/Taser	15 Core competencies Non-Emergent Response, Emergent Response, Patrol Activities, Criminal Investigations			
Trainee	Explanation of Journal Explanation of PBLE Explanation of NPE	PBLE 1 NPE concept, formatted		PBLE 2 NPE design	NPE presented
Criteria		PTO assessment		PTO assessment	
Board of Evaluators (Chief, Asst Chief)			Performance Assessment		Performance Assessment NPE presentation Exit interview
Additional		Prescriptive training?	Prescriptive training?	Prescriptive training?	Prescriptive training?

301.3 The PTO Supervisor shall be responsible for ensuring that new-hire police officers receive training in Town and Department policies, procedures, regulations and rules, completion of all applicable P.O.S.T. requirements, and shall also include issuance of all required department manuals, directives, and equipment.

301.4 A new hire police officer, after completing an initial orientation of the various divisions and units within the department, shall be scheduled to complete thorough department training in: Use of Force, Standard Operations and Procedures, Firearms qualification, less-lethal technologies.

301.5 Police Training Officer Program

301.5.1 The administration of the Police Training Officer Program is the responsibility of the PTO Supervisor.

301.5.2 Selection of personnel as Police Training Officers (PTO) will be made by the Chief and PTO Supervisor. Qualifications for PTO include 2 years

experience with the department, strong Performance Evaluations, strong knowledge of policy and practice, and strong teaching/coaching skills.

301.5.3 The Police Training Officer Program shall consist of at least 480 contact hours in which recruit officers are assigned to work with a Police Training Officer (PTO). It will be the goal of PTOs chosen for the training cycle to safely expose the recruit police officer to as many facets of law enforcement as possible in that time period, and to document that learning.

a. Normally, the recruit police officer will be assigned to the PTO's shift; however the PTO may request assignment to any shift to facilitate training.
b. Newly sworn officers will not be utilized in any solo capacity until they have successfully completed the PTO program.

301.6 PTO Training Officers

Department personnel selected for assignment to PTO positions will receive training in all facets of the Police Training Officer Program prior to being given a recruit training assignment. Such training shall be provided by the department training supervisor or other qualified resource obtained by the training officer.

301.7 Recruit Evaluations

It is the responsibility of each PTO involved in the recruit training cycle to complete all required evaluations of recruit job performance and to review such evaluations with the recruit as they are completed.

301.8 Remedial Training

The PTO Supervisor may authorize remedial training up to two weeks in duration to assist a recruit who is experiencing difficulty with a portion of the PTO Program.

301.9 Successful Completion Required

Successful completion of all portions of the PTO Program is required of all sworn officers. Officers who are unable to successfully complete the PTO Program will be terminated from employment with the Town.

Source: CBMO; Reno Model PTO Program 2006
Standard: CACP 60.5, 60.6; Reno Model PTO Program
Issued: January 15, 1997
Revised: 5/6/2014

302 Response To Resistance

302.1 Purpose and Scope

Police officers are often confronted with situations where physical control of another is required to make an arrest or to protect the public safety. Initial attempts at control should be made through verbal means when practical. However, in situations where physical resistance or attempts to gain a subject's compliance have been, or will likely be ineffective in the situation at hand, or a threat of bodily injury is encountered, physical force may be used. The application and degree of such force shall be consistent with Colorado Revised Statutes and Federal Law.

Therefore, It is the policy of the Crested Butte Marshal's Office that deputies comply with laws of the State of Colorado and use only that amount of physical force that is objectively reasonable to effect an arrest of an offender, prevent an escape, or to otherwise perform their duties of protecting the community while defending themselves and others from bodily harm.

As long as members of the public are victims of violent crimes and officers are confronted with deadly force in the performance of their duties, it will remain necessary for police officers to be armed for the protection of society and themselves and be prepared to use deadly physical force.

302.2 Definitions

Bodily Injury: Physical pain, illness or any impairment of physical mental condition. C.R.S. 18-1-901(c).

Jeopardy: A hazard, threat, or peril, or perceived hazard, threat, or peril.

Deadly Physical Force: "Deadly force," means force, the intended, natural and probable consequence of which is to produce death, and which does, in fact, cause of death. C.R.S. 18-1-901(3)(d). It may include, but is not limited to, use of firearms, and intentional intervention with a vehicle (forcible stops or ramming). Any of the following, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury: (I) a firearm, whether loaded or unloaded; (II) a knife; (III) a bludgeon: or (IV) any other weapon, device, instrument, material, or substance, whether animate or inanimate. C.R.S. 18-1-901(e). *See also,* "Lethal Weapon."

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree. C.R.S. 18-1-901(p).

Lethal Weapon: Any object or material, when in the manner it is used or intended to be used is capable of producing death or serious bodily injury. C.R.S. 18-1-901(3)(e). *See also,* "Deadly Physical Force."

Less Lethal Weapon: Any object or material, when in the manner it is used or intended to be used is unlikely to result in death or serious bodily injury.

Less Lethal Impact Munitions: Projectiles, which are intended to incapacitate a subject with minimal potential for causing death or serious bodily injury.

Combined Systems, Inc. (CTI): (Combined Tactical Systems - CTS) A corporation that designs, and manufactures less-lethal munition products for Law Enforcement.

Use of Force: Use of control holds or restraint techniques, chemical or organic sprays, Electronic Control Devices (ECD), strikes, kicks, canines, impact weapons/munitions, and deadly force.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Non-Deadly Force: Any force, action, or weapon which produces a result that is necessary to control the actions of another and does not involve the use of deadly physical force.

Duty to Report Force by Peace Officers: C.R.S. 18-8-802(1)(a) A peace officer who, in pursuance of such officer's law enforcement duties, witnesses another peace officer, in pursuance of such other officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, uses physical force which exceeds the degree of physical force permitted pursuant to C.R.S. 18-1-707 must report such use of force to such officer's immediate supervisor.

Excessive Force: C.R.S. 18-8-803 Subject to the provisions of section C.R.S. 18-1-707, a peace officer who uses excessive force in the pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen, including the provisions of part 1 of article 3 of this title concerning homicide and related offenses and the provisions of part 2 of said article 3 concerning assaults. As used in this section, "excessive force" means physical force, which exceeds the degree of physical force permitted pursuant to C.R.S. 18-1-701. The use

of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest.

Objectively Reasonable: This is the term created by the courts as the standard by which officer's actions will be evaluated in use of force situations. The United States Supreme Court, in Graham v. Connor, has ruled that because law enforcement officers are often forced to make split-second judgments about the amount of force that is necessary in a particular situation, in circumstances that are frequently tense, uncertain and rapidly evolving, the reasonableness of the officer's beliefs as to the appropriate level of force should be judged from the on-scene perspective and not by using the "20/20 vision of hindsight." The proper application of "objectively reasonable" requires "careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."

Electronic Control Device (ECD): A department approved less-lethal device that uses electronic energy to transmit NMI (Neuromuscular Incapacitation) or cause pain stimulus to the body to impair muscular control.

302.3 Use of Non-Deadly Physical Force

302.3.1 In addition to statutory justification of the use of force extended to citizens, deputies may use "reasonable and appropriate physical force" to:

1. To effect an arrest or prevent the escape from custody of an arrested person, unless the member knows that the arrest was unauthorized. C.R.S. 18-1-707(1)(a).

2. Defend the member or a third person from what is reasonably believed to be the use or imminent use of physical force while affecting, or attempting to affect, an arrest or while preventing, or attempting to prevent an escape. C.R.S. 18-1-707(1)(b).

3. Take a person into protective custody for mental health or intoxicated conditions. C.R.S. 27-10-105, 25-10-310.

302.3.2 Considerations Surrounding the Elements of the Use of Non-Deadly Physical Force

1. **Ability** – Does the violator possess the apparent capacity to resist you or a third party, or to cause you or a third party harm?

2. **Opportunity** – Does the violator have the opportunity or apparent

opportunity to resist you or a third party, or to cause you or a third party bodily harm?

3. **Jeopardy** – Does the violator place you or a third party in danger of a hazard, threat, or peril, or perceived hazard, threat or peril?

302.3.3 **Using Force on Persons in Medical Emergencies**

A situation where the subject in question has not committed a crime, is not resisting arrest, and is not directly threatening the officer, the officer should ask:

1. Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
2. Was some degree of force reasonably necessary to ameliorate the immediate threat?
3. Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?" (*Estate of Corey Hill v. Miracle)*

302.3.4 **Weaponless Control Techniques**

Each officer shall receive training in basic arrest control and self-defense techniques. All officers will receive refresher training in arrest control and self-defense techniques.

302.3.5 **Less-Lethal Weapons**

Less-lethal weapon systems may be used in the application of physical force consistent with an officer's training and assessment of the situation being dealt with.

1. Consistent with training, officers are authorized to apply physical force through the use of; weaponless control techniques, oleoresin capsicum spray, ECD, gas dispersion, impact weapons, distraction devices, impact munitions and other weapons of necessity that fit within the training guidelines of the department.

2. No officer is authorized to use any less-lethal weapon until he/she has successfully completed the department approved training course, in the proper use of that weapon.

3. When in full uniform officers will carry at least two intermediate weapons.

302.3.6 **Oleoresin Capsicum (OC, Pepper Spray)**

1. All sworn members shall be trained and qualified at least once per Calendar year. The training shall consist of a practical examination under

the direct supervision of the CTS instructor.

2. OC may be utilized as a compliance tool on a subject when the officer feels the deployment is objectively reasonable under the circumstances.

3. When a person is subjected to OC, the arresting/contacting officer will follow the department's OC **After Care Guidelines** and, when practical, issue the **OC Administrative Warning**.

4. Appropriate care, to include providing fresh air and flushing the affected area with water, will commence on a cooperative subject as soon as practicable.

5. Jail personnel and Medical personnel are to be notified that the arrestee has been exposed to OC.

6. Authorized officers are responsible for advising the CTS instructor when the devices issued to them are approaching the end of the usable life so that they can be replaced prior to their expiration date.

302.3.7 Electronic Control Device (ECD, Taser)

1. The authorized ECD for the department are the Taser X26 and Taser X2 from Taser International.

2. The decision to deploy a Taser will depend on the subject's actions and the critical distance to the threat. The Taser is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques. The Taser may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary, or attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is reasonable expectation that it will be unsafe for an officer to approach within contact range of the subject.

3. The officer deploying the Taser will be responsible to ensure that the Taser is in working order at the beginning of the shift.

4. The decision to deploy the Taser will be made by the certified operator or instructor.

5. The laser on the Taser should never be aimed at anyone's face or head area. However, a display of the Taser's "arc" or "painting" a subject with the laser is permitted to gain compliance in an arrest situation where

resistance is anticipated.

6. Actual use or deployment of the Taser will be documented on a **Level of Resistance Taser Supplemental Report**.

7. A person who has been subjected to the effects of the Taser or the probes shall be treated as follows:

a. Trained operators may remove the probes if they are not in an area above the shoulders, in the genitals or female breasts.
b. Once in custody, the arresting officer should seek medical evaluation for the affected subject. Hospital/Pre-Hospital personnel should be informed that the person has been Tased and relate the approximate time of use. If the probes penetrated the skin, the puncture sites shall be brought to the attention of medical personnel.
c. Only medical personnel may remove Taser probes that are embedded in the head, genitals or female breasts. Break the wires near the probe and identify the site to medical personnel.
d. One easily overlooked aspect of injury from Tasing a subject is that of falling from a standing position. Hospital/Pre-Hospital personnel should be informed of any potential injuries related to falls.

302.3.8 Impact Weapons

Authorized uniformed and non-uniformed officers may carry a department approved baton. In field expedient circumstances officers are authorized to utilize flashlights or other smooth impact weapons consistent with their training.

302.3.9 Gas (OC, CS, Stingball) Dispersion

1. All sworn members shall be trained and qualified at least once per Calendar year. The training shall consist of a practical examination under the direct supervision of the CTS instructor.

2. The use of Gas Dispersion Devices, either in the form of canisters, grenades or projectiles, requires prior authorization from a supervisor.

3. Supervisors should consider the following when authorizing the use of these devices:

a. The use is appropriate for the circumstances.
b. The use will not pose a greater danger than the situation they are attempting to resolve.
c. The location of small children, flammable liquids, or flammable

gasses in association with the usage of the devices.

4. All such devices will be stored at the police department in an approved container in a secure area. Devices should not be stored in vehicles, equipment lockers, or residences unless approved by a supervisor.

5. Devices may be temporarily stored in a vehicle for training or an ongoing event where they may be needed. Devices stored in this manner shall be secured in compliance with ATF standards.

6. When deploying any heat generating device, a properly rated fire extinguisher or equipped Fire Department must be readily available.

302.3.10 **Flash-Bang**

1. All sworn members shall be trained and qualified at least once per Calendar year. The training shall consist of a practical examination under the direct supervision of the CTS instructor.

2. The use of a Flash-Bang requires prior supervisory authorization unless exigent circumstances prohibit that notification.

3. Supervisors should consider the following when authorizing the use of a Flash-Bang:

a. Entry authorized by court order or clear exception to the warrant requirement.
b. A dynamic entry is appropriate and the entry team faces potentially violent resistance.
c. The location of small children, flammable liquids, or flammable gasses in association with usage of the devices.
d. Alternative deployment methods, such as activation outside of the structure or via a remote device (bang pole).

4. The supervisor authorizing the use of a Flash-Bang will ensure that proper notification is made to the Bureau of Alcohol, Tobacco, and Firearms.

5. All such devices will be stored at the police department in an approved container in a secured area. Devices should not be stored in vehicles, equipment lockers, or residences unless approved by a supervisor.

6. Devices may be temporarily stored in a vehicle for training or ongoing event where they may be needed. Devices stored in this manner shall be secured in compliance with ATF standards.

7. When deploying any heat generating device a properly rated fire extinguisher or equipped Fire Department personnel must be readily available.

302.3.11 Less-Lethal Impact Munitions – CTS (Combined Tactical Systems)

The less-lethal impact munitions are designed to cause temporary incapacitation and reduce the subject's ability to continue his/her actions. The level of energy necessary to cause incapacitation creates the potential for injury, but generally presents a relatively low probability of causing serious physical injury or death.

The potential for causing death or serious bodily injury with such projectiles is a reality. However, this potential is greatly reduced when impacts to the head or neck are avoided, the appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury, including such areas as the head, chest, back, thoracic and abdominal cavities and the groin.

1. All sworn members shall be trained and qualified at least once per Calendar year. The training shall consist of a practical examination under the direct supervision of the CTS instructor.

2. Members who have successfully completed the Crested Butte Marshal's Office CTS training and qualification course shall be authorized to deploy impact munitions associated with the 12 gauge shotgun, and 40mm launcher.

3. Officer Responsibility –
   a. If practical, officers shall contact a supervisor of an officer's intention to deploy less-lethal impact munitions.
   b. When used against human subjects, officers shall only employ impact munitions approved by the department.
   c. Impact Munitions shall be deployed for the greatest effect within the design parameters for that particular munition. The idea behind this is to reduce the number of times the subject will need to be struck, thus potentially reducing injuries.
   d. Once a subject has submitted or stopped resisting as a result of an impact munition, he/she should be secured using the appropriate restraint device.
   e. Once a subject has been restrained he/she shall be examined by an EMT or Paramedic.

f. In addition to the Incident Report, the officer who deployed the less-lethal weapon shall complete a department Use of Force report.

302.4 De-Escalation

302.4.1 An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.

302.4.2 Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

302.5 Use of Deadly Physical Force

302.5.1 Use of Deadly Physical Force – In accordance with the statutory justifications outlined by Colorado law at C.R.S. 18-1-701 et. Seq, member is justified in using deadly physical force in the following circumstances:

1. To defend the member or a third party from what is reasonably believed to be the use or imminent use of deadly physical force.

2. To effect an arrest, or to prevent the escape from custody, of a person whom the member reasonably believes:
   a. Has committed or attempted to commit a felony involving the use of a deadly weapon; or is attempting to escape by the use of a deadly weapon and the suspect presents an imminent danger to human life or threat of serious bodily injury to another.
   b. Otherwise indicates, except through a motor vehicle violation, that the suspect presents an imminent danger to human life or threat of serious bodily injury to another unless apprehended without delay.

302.5.2 Considerations Surrounding the Elements of the Use of Deadly Physical Force

1. **Ability** – Does the violator possess the ability or apparent ability to kill you or a third party or to cause you or a third party serious bodily harm?

2. **Opportunity** – Does the violator have the opportunity or apparent opportunity to kill you or a third party or to cause you or a third party serious bodily harm?

3. **Jeopardy** – Does the violator place you or a third party in danger of a hazard, threat, or peril, or perceived hazard, threat or peril?

302.5.3 General Use of Force Directives

1. All sworn personnel must be trained in the use of force. They will have access to a written policy manual and are required to understand and comply with the directives as outlined in the policy.

2. During annual in-service, all personnel attending will be briefed on accessing Policy 302.

3. Only utilize those techniques of physical force commensurate with State and Federal laws. Where deadly force is warranted, a deputy is authorized to use any technique, tool, or weapon to protect himself or a third party.

4. When restraining subjects, deputies should not use the "hog tie" or any position that may restrict or impair respiration.

5. ECD's will not be used against any subject who:
   a. Submits peacefully and complies with lawful commands.
   b. Is merely expressing verbal disagreement or verbal threats without the ability and/or opportunity to carry out those threats.
   c. In houses where flammable gasses/liquids are suspected.

6. Except in situations where a deputy is facing an imminent risk of serious bodily injury or death, ECDs will not be used on people who:
   a. Deputies reasonably believe to be pregnant.
   b. The person has obvious infirmities which deputies should reasonably believe would render the subject unable to provide a significant physical threat.

Source: CBMO, 2017 National Consensus Policy on the Use of Force
Standard: CACP 20.1-5, 20.7, 20.9
Issued: January 15, 1997
Revised: November 30, 2005, March 1, 2016, July 19, 2017

303 Use of Prone Restraint

303.1 Purpose and Scope

To suggest best practices for the use of prone restraint techniques by Colorado peace officers, ensuring it is used in a safe, lawful, and reasonable manner that minimizes the risk of injury or death.

303.2 Scope

This policy emphasizes the importance of officer training, monitoring during the restraint, minimizing risk, and providing medical assistance when needed to ensure the safety and well-being of both officers and individuals in custody.

A model policy for law enforcement's use of the prone restraint must ensure the safety of both officers and individuals in custody, while minimizing the risks associated with this position.

303.3 Definitions

Prone Position: A position in which a person is lying on a solid surface with the person's chest and abdomen positioned downward, even if the person's face is turned to the side, or the person has one shoulder lifted.

Prone Restraint: A use of physical force, including, but not limited to, the use of a mechanical restraint, in which the person who is being restrained is in a prone position.

Medical-Behavioral Emergencies: An incident in which a medical situation (often drug-induced or drug enhanced) at times can be misinterpreted as a solely behavioral issue.

Recovery Position: A position other than a prone position that allows the person to breathe normally.

Respiratory Compromise: A person's body position that interferes with their normal respiration that could result in asphyxiation.

Mechanical Restraint: A physical device used to involuntarily restrict the movement of a person or the movement or normal function of a portion of a person's body.

Officer Assigned To Subject, or O.A.T.S.: This officer's responsibility will be to monitor the subject from the time the prone restraint is applied, until the arrest is completed, or medical personnel have accepted care of the subject/patient.

303.4 Policy

On or before July 1, 2025, this policy was adopted concerning use of the prone position. The policy shall be posted on the agency's publicly accessible website, or, if the agency does not have a publicly accessible website, shall make the policy and procedures publicly available upon request.

303.5 Procedure

Colorado peace officers should use the prone restraint technique only when it is necessary to safely control a subject, and alternatives are not feasible. Or, if the individual is actively resisting arrest or is a danger to themselves, officers, or others.

Per § 18-1-707 (1), C.R.S., peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of injury to the peace officer or another person.

In the application of physical force, peace officers should note per subsection (2) of the same statute: "When physical force is used, a peace officer shall:
(b) Use only a degree of force consistent with the minimization of injury to others;
(c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable

Peace officers have a DUTY to provide a reasonable level of care for an arrestee's health and welfare. After the scene is safe and the subject is in control, render first aid as soon as possible.

Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the subject's health and welfare.

It is the decision of the EMS personnel that respond to medically clear the subject on scene, or transport to a medical facility for further evaluation.

303.5.1 EMS should be requested if:

- There is any complaint of, or obvious sign of injury,
- If the O.A.T.S., or any other peace officer on scene, observes signs of distress, an obvious decline in the condition of the subject, or a complaint of breathing difficulty,
- If the subject becomes unconscious, or was unconscious at any time,
- If there is obvious sign of injury, or the subject stops breathing, the peace officers on scene shall render emergency first aid measures. These measures may include, ***but are not limited to***, basic first aid, tourniquet, CPR, AED, or Narcan (Naloxone).

As soon as practical after an individual has been handcuffed, or otherwise secured, the individual should be turned onto their side or allowed to sit up, or any other reasonable position other than prone, so long as the individual's actions no longer place peace officers or community members at risk of imminent injury, or injury to the subject.

Peace officers will make all reasonable efforts to ensure that the individual is not left in a prone position for longer than absolutely necessary to gain control over the subject.

When moving a subject from prone to a recovery position, peace officers should utilize a stepped process to move from one position to another, avoiding pulling or bending the subject in such a way that may injure or inhibit free breathing. Additionally, going from a prone position directly to a standing position in a single move requires lifting by the peace officers, putting both parties at risk of injury. An example of a stepped process to standing position might include moving from prone, to lateral recumbent (side), to sitting, to kneeling, then finally to standing, with a pause at each position allowing the peace officer to observe any changes in condition of the subject at each interval.

When body weight is used in an attempt to control a subject, it may not be used in a manner that intentionally interferes with the person's breathing. Peace officers will immediately cease applying body weight to an individual's back, head, neck, or abdomen once the individual is restrained and other control tactics may reasonably be utilized other than body weight. Examples of these tactics and techniques commonly used in arrest control systems may include, but are not limited to, control at the wrist, elbow, shoulder, or entire arm or arms that utilize leverage or pain compliance in order to control a subject's upper body, that are applicable, reasonable, and appropriate when the subject is in mechanical restraints. Or, by moving body weight pressure to below the hips of the subject or utilizing leg-lock techniques also commonly found in many defensive tactics / arrest control (DTAC) systems, as long as the subject's upper body is being controlled by another officer or the subject is in handcuffs, ensuring officer safety.

Peace officers have a duty to intervene if they observe another peace officer using unlawful physical force, which could include the continued application of body weight on the back, head, neck, or abdomen when it is no longer necessary to gain physical control of the subject.

303.6 Pre-Restraint Actions

Prior to application of the prone restraint, when possible to do so safely, evaluate the need to immediately detain the subject. Peace officers should try to engage in a way that does not unduly escalate the situation and enables them to determine whether the subject understands what is happening around them. Collect as much information about the subject as possible, such as who the subject is, if they may speak a language other than English or may have a disability that might prevent them from responding (such as being deaf), the context of the situation, trying to determine why the subject might be demonstrating these behaviors, and their baseline affect.

One peace officer should be designated as the "contact officer" to give commands, orders, or directions, to the subject. If available, the designated peace officer should be certified in Crisis Intervention Training (CIT), Integrating Communications, Assessment, and Tactics (ICAT), or some other recognized de-escalation system. Multiple peace officers giving commands simultaneously is to be avoided. Other responding peace officers may, for example, be designated as the

O.A.T.S, act as a back-up to the contact officer, be the restraint applicant, or provide scene safety.

Minimize over-stimulation, flashing lights, loud noises (sirens), and other types of commotion. Peace officers should avoid giving the same command, order, or direction repeatedly. If the subject is not reacting favorably to the tactic being utilized, the peace officer should consider changing their tone of voice, making a different request, or giving a different order or trying a different method of communication. If the subject's actions indicate they are more receptive to another peace officer on scene, be ready to change roles.

303.7 Monitoring

A critical aspect of the use of the prone restraint is close and vigilant monitoring of the subject's condition. Constant monitoring of the subject's physical condition should be a priority during and after the restraint to assess for signs of distress.

Whenever possible, during a team restraint, one officer may be designated as the "Officer Assigned to Subject," (O.A.T.S.) with the responsibility to monitor the person's health and welfare during and after restraint.

Indicators of a subject experiencing a medical behavioral event may include, ***but are not limited to:***

- Extreme agitation,
- Elevated heart rate,
- Rapid breathing, shallow breathing, or no breathing at all,
- Altered mental state, or confusion,
- Inappropriate or excessive sweating,
- Temperature extremes (subject feels very cold or hot to the touch),
- Erratic or irrational behavior,
- Publicly naked or insufficiently attired for the weather conditions,
- Pain tolerance, or
- Actual law enforcement knowledge of consumption of alcohol, drugs, or both, especially stimulants (Cocaine, PCP, Methamphetamines).

Peace officers need to be cognizant of other factors that may affect normal breathing. Just because someone isn't prone and in handcuffs does not in and of itself mean they will breathe normally. One's own physical limitations, body size, weight distribution, position of the body as it relates to the diaphragm and its movement, as well as outside influences all dictate how one breathes normally. This reinforces the importance of constant observation, assessing the status of the subject, and reacting accordingly to signs of distress.

303.7.1 IMC-RASS

A tool that may assist in detecting a subject experiencing distress is the Improved Montgomery County Richmond Agitation Sedation Scale (IMC-RASS). This is what

EMS responders use to score a patient in extremes and provides a perspective on the signs and symptoms to be aware of.
+4 Combative or overtly combative, violent, immediate danger to peace officers, self, or others.
+3 Very agitated; aggressive
+2 Agitated with frequent non-purposeful movement.
+1 Restless, anxious but movements not aggressive vigorous
0 Alert and calm
-1 Drowsy not fully alert, but has sustained awakening (eye-opening/eye contact) to voice (>10 seconds)
-2 Light sedation briefly awakens with eye contact to voice (<10 seconds)
-3 Moderate sedation movement or eye opening to voice (but no eye contact)
-4 Deep sedation no response to voice, but movement or eye opening to physical stimulation
-5 Unarousable no response to voice or physical stimulation

This is not meant to be a medical diagnostic tool for law enforcement. It is meant to show what signs to be looking for, and more importantly, providing context for observing a significant swing or change in the subject's behavior. For example, someone who goes from very agitated and aggressive (+3) who then quickly swings to deep sedation with no response to voice (-4), would be a hallmark sign of the subject potentially being in medical distress, and the need for an EMS response. The change in the subject's status should be relayed to EMS.

A concept that works in concert with the IMC-RASS is Deviation from the Baseline. Deviation from baseline refers to a significant change in a person's mental state compared to their usual, typical condition. This is established as a "baseline" during the initial contact with the subject as you collect information. Essentially, it means noticing when someone's mood, thoughts, or behaviors deviate noticeably from their normal pattern.

303.8 Reporting

Peace officers should provide a comprehensive report whenever prone restraint is utilized. This report should contain descriptions of the type of incident or call for service; the subject's actions, demeanor, behavior, and affect; any efforts of de-escalation; considerations of alternatives; why a prone restraint was necessary; peace officer actions; and medical care rendered by the peace officer. This report can be contained in the peace officer's incident narrative, or in a use of force report compliant with the law enforcement agency's policies.

If a peace officer observes another peace officer use physical force which exceeds the degree of physical force permitted pursuant to § 18-1-707, C.R.S., they must report the use of force in compliance with § 18-8-802, C.R.S.

Source: Colorado POST, Use of prone restraint model policy
Standard: CRS 18-1-707; HB 24-1372
Issued: July 1, 2025
Revised:

304 Use of Force Review

304.1 Purpose and Scope

To establish procedures governing the investigation of use of force incidents occurring in the Town of Crested Butte or involving Marshal's Office personnel that result in serious bodily injury or death to another person.

304.2 Jurisdiction

Jurisdiction is determined by the location of the incident and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer involved shootings.

304.2.1 Crested Butte Marshal's Office Officer within this Jurisdiction

The Crested Butte Marshal's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer involved will be conducted by an uninvolved outside law enforcement agency that has been asked to conduct the investigation.

304.2.2 Outside Agency's Officer within This Jurisdiction

The Crested Butte Marshal's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer involved will be conducted by this department or an uninvolved outside agency. The officer's employing agency will be responsible for any civil and/or administrative investigation.

304.2.3 Crested Butte Marshal's Office Officer in Another Jurisdiction

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect to another agency. The Crested Butte Marshal's Office will conduct timely civil and/or administrative investigations of its own personnel.

304.3 Procedure for Involved Officers

Upon arrival at the scene of an officer involved shooting, the first uninvolved officer will be the officer in charge and assume the duties of a supervisor until relieved by the responding supervisor.

304.3.1 Whenever an officer uses force either accidentally or intentionally, which results in death or serious bodily injury, as soon as practical, the officer shall;

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

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b. Determine the physical condition of the injured person and take all reasonable steps to obtain emergency medical attention for all apparently injured individuals
c. Coordinate a perimeter or pursuit of suspects as appropriate.
d. Notify the Chief Marshal (Supervisor or designee) and Gunnison Communications of the incident and its location.
e. Protect the scene for follow-up investigations.
f. Request additional resources, units or agencies as appropriate.
g. Brief the supervisor upon arrival.

304.3.2 The officer will remain at the scene, unless injured or exhibiting signs of emotional distress, until relieved by a supervisor. However, if circumstances are such that the continued presence of the officer would cause a more hazardous situation to develop (e.g., violent crowd, etc.), the supervisor on scene shall instruct the officer to respond to another more appropriate location.

304.3.3 If the type of force used involves the officer's duty weapon, the officer will not be required to surrender it at the scene, but shall protect his weapon as evidence and shall submit it to the appropriate person on request.

304.3.4 If able, involved officers should give basic information as needed to the investigating officer or supervisor regarding the incident prior to being relieved of duty.

a. After two sleep cycles, the involved officer will assist a supervisor in the completion of a written report of the incident.
b. The involved officer may request the presence of a representative or an attorney, other than the Town Attorney, for his personal counsel.

304.3.5 Any officer directly involved in a deadly force incident which results in injury or death shall be placed on Administrative Leave with full pay and benefits, pending the results of the investigation. The assignment of leave shall not imply or indicate the officer has acted improperly, or is being punished. While on leave, the officer shall remain available at all times for official departmental interviews and statements regarding the incident.

304.3.6 The officer should be cautioned to restrict conversations about the incident with anyone except:

a. The District Attorney or his designee.
b. Assigned departmental personnel.
c. The officer's personal attorney.
d. The officer's mental health professional, doctor, clergy, or CISD team.
e. The officer's immediate family.
f. During a legal proceeding associated with the incident.

g. The CBI Critical Incident Team.

304.4 Procedure for Supervisors

A Supervisor shall be responsible for coordinating all aspects of the incident until relieved by the Chief or Deputy Chief Marshal.

304.4.1 Upon arrival at the scene, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:

a. Attempt to obtain a brief overview of the situation.
b. If necessary, the supervisor may administratively order any officer from this department to immediately provide the information necessary to secure the scene and pursue suspects. This would include such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.
c. Absent a voluntary statement from any officer, the initial on-scene supervisor should not attempt to order any officer to provide any information other than public safety information.
d. If feasible, sensitive information should be communicated over secure networks.
e. Take command of and secure the incident scene with additional personnel.

304.4.2 In cases where the use of force by a police officer results in serious bodily injury or death to another person, the Chief Marshal (Supervisor or designee) shall proceed to the scene immediately to ensure the situation is stabilized and the scene is secured. Then, the Chief Marshal (Supervisor or designee) will:

a. Obtain preliminary information and make necessary notification to the District Attorney's Office.
b. Assist the involved officer.
c. Assign an Investigations Officer to coordinate an initial investigation.
d. Render command assistance to the assigned investigator.
e. Command the investigation as any major crime scene.
f. Request the CBI Critical Incident Team to respond to the scene.

304.4.3 If an involved officer's duty weapon is taken for evidentiary purposes, the on-scene supervisor shall ensure the immediate replacement of the officer's weapon with one the officer is qualified to carry.

304.4.4 The on-scene supervisor will ensure that a photograph of the officer(s) involved is taken which shows the officer(s) as they were dressed/identified at the time of incident. Photographs should be taken of individual officers as well as the group if applicable.

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

304.4.6 The on-scene supervisor will assign someone (preferably an officer trusted by the involved officer) to accompany the involved officer. The pair will not discuss the case in particular but should stay together until the involved officer is able to feel safe and secure at home with someone else present.

304.4.7 The on-scene supervisor should see that the involved officer gets something to eat and drink and his personal and family needs and welfare are taken care of.

304.5 Procedure for Investigators

Use of Force Investigations may involve several separate investigations. The investigations may include:

a. A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may, however, relinquish its criminal investigation to an outside agency with the approval of the Chief Marshal or the authorized designee.
b. A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may request that the criminal investigation be conducted by an outside agency with the approval of the Chief or Deputy Chief Marshal.
c. A criminal investigation of the involved officer conducted by an outside agency.
d. A civil investigation to determine potential liability conducted by the involved officer's agency.
e. An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Department policy.

304.5.1 The assigned Investigations Officer will be responsible for coordinating all investigations involving the use of force by a police officer that results in serious bodily injury or death to another person.

304.5.2 A detailed departmental report shall be prepared of the incident.

304.5.3 The assigned Investigations Officer will assist the CBI Critical Incident Team as needed/requested.

304.6 Administrative Review

304.6.1 The Chief Marshal will be responsible for conducting an administrative review of all incidents involving the use of force which occur in the Town of Crested Butte, or involving Marshal's Office personnel, which result in serious bodily injury or death to another person.

304.6.2 The Deputy Chief Marshal and the department use of force instructor will conduct the review. (If one of those officers is involved in the incident, a suitable replacement will be substituted.) This team will be referred to as the Use of Force Review Team and will convene after the investigation is complete to begin the review. The team will examine each incident for the following:

a. Adherence to departmental policies and procedures.
b. Ensure departmental personnel involved are in good standing in terms of training requirements.
c. Review the incident for propriety of reporting, evidence gathering and preservation.
d. Interview all appropriate personnel involved for feedback and future training needs.

304.6.3 Any officer involved in a shooting may be 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.

304.6.4 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 the involved officer.

a. 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
b. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interview.

304.6.5 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.

a. 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.
b. If requested, the officer shall have the opportunity to select two uninvolved representatives, which may include legal representation, to be present during the interview. However, in order to maintain the integrity of each individual officer's

statement, an involved officer shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

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

d. The officer shall be informed of the nature of the investigation and shall be informed of all constitutional *Miranda* rights. Assuming there is no voluntary waiver, he/she will then be given his/her *Garrity* rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.

e. The administrative interview shall be considered part of the officer's administrative investigation file.

f. The completed administrative investigation shall be submitted to a Use of Force Review, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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

h. The administrative investigation may request completion of a truth verification device examination, but only with the employee's consent. No notation or reference to a request or refusal to submit to such an examination may be made in any file or report.

304.7 Procedure for Professional Standards

304.7.3 When the Use of Force Team completes its review it will submit the findings in a written report to the Chief Marshal.

304.7.4 Media

All outside inquiries about the incident shall be directed to the Chief Marshal. A single media release shall be prepared with input and concurrence from the Chief Marshal and the agency representative responsible for each phase of the investigation. This release will be available to the Deputy Chief Marshal and Press Information Officer in the event of inquiries from the media.

304.7.5 Identity Release

It is the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief or Deputy Chief Marshal.

Employees receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

304.7.6 A Supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

a. Any request for legal or union representation will be accommodated.
b. While discussions with licensed attorneys will be considered privileged as attorney-client communications, no involved officer shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report.
c. Discussions with Department representatives (e.g., employee association) will be privileged only as to the discussion of noncriminal information. However, no involved officer shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report.

304.8 Debriefing Required

304.8.1 In all cases where any person has been seriously injured or killed as a result of the use of force, the involved officer will undergo a debriefing with a qualified mental health professional versed in law enforcement critical incident stress debriefing, at department expense. The debriefing should take place as soon as possible, but no later than 72 hours after the incident. The purpose of the debriefing is to allow the officer to express his feelings and to deal with the moral, ethical and or psychological after effects of the incident.

a. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.
b. If an interview or session with a licensed psychotherapist takes place prior to the involved officer providing a formal interview or report, the involved officer 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.
c. Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

304.8.2 Refer to the CBMO SOP Manual section on Critical Incident Stress Debriefing (CISD) for further guidance on CISD issues.

304.8.3 Upon returning to duty, the officer may be assigned to administrative duty for a period of time as deemed appropriate by the officer, and Chief Marshal.

304.9 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. However, persons preparing the response shall be given reasonable access to all other investigations.

304.10 Disposition of Investigation

If the investigation of the use of force reveals a violation has occurred, the matter will be handled criminally or administratively as applicable, in accordance with departmental policies and professional standards.

Source: CBMO
Standard: CACP 20.9
Issued: January 15, 1997
Revised: February 23, 2003, 5/6/2014

306 Pathogens

306.1 Purpose and Scope

The purpose of this policy is to provide guidelines for law enforcement officers in limiting or preventing exposure to pathogenic diseases such as transmissible bacteria, communicable viruses, human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), hepatitis B and C, tetanus, and sexually transmitted diseases (STDs) such as syphilis and gonorrhea.

It is the responsibility of this agency to ensure that its employees are able to perform their duties in a safe and effective manner. The safe performance of daily operations can be threatened by life-endangering communicable diseases. It shall be the policy of this department to provide employees with up-to-date training and information that will help minimize potential exposure while increasing employee understanding of the nature, risks, and routes of transmission of the diseases.

For up-to-date guidance on novel transmissible pathogens which may not be covered specifically by this document, officers should consult best practices laid out by the Center for Disease Control and Prevention (https://www.cdc.gov/) and the Colorado Department of Public Health and Environment (https://www.colorado.gov/cdphe) for information on prevention, mitigation, response and recovery.

306.2 Definitions

Body fluids: Airborne and liquid secretions including blood, semen, and vaginal fluid.

Exposure: Subjection to an infectious disease.

Exposure incident: A specific eye, mouth, or other mucous membrane, non-intact skin, or piercing through the skin (through events such as needle sticks, human bites, cuts, or abrasions) contact with blood or other potentially infectious materials.

Contaminated: Presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contamination: Any contaminated object that can penetrate the skin or enter the body through unprotected routes.

Decontamination: The use of physical or chemical means to remove, inactivate, or destroy pathogens on a surface or item to the point that they are no longer capable of transmitting infectious particles.

Post-exposure evaluation: Follows the report of an exposure incident. Confidential medical evaluation and follow-up treatment (if required) shall be available to the employee, including documentation of the route of exposure, circumstances under

which the exposure occurred, and identification of the source individual in accordance with the Ryan White Law.

Post-exposure prophylaxis: When an employee sustains an injury that is determined by medical personnel to be an injury that could result in an infectious disease, based upon recommendations of an infectious disease physician, he or she may recommend taking certain medicines in order to lower the possible risk of becoming ill as a result of the exposure.

306.3 Immunizations

All officers should be immunized to all common, preventable diseases for which immunizations are available. Assure the following:

a. MMR-measles, mumps and rubella.
b. Polio
c. DPT or DT-diphtheria, pertussis and tetanus
d. Heptavax or Recobivax-Hepatitis-B
e. Viruses and Influenza (optional)

306.4 Applicable Diseases

AIDS/HIV: The human immunodeficiency virus (HIV) can be contracted by another person's HIV-infected body fluids—blood, semen, or vaginal secretions—entering one's bloodstream. The effect of the virus is to decrease the ability of the body to fight infection. After an individual is infected, they may experience a minor viral infection, the symptoms of which could include fever, runny nose, and generally feeling unwell. It is also possible to have no symptoms at all for years. When the individual begins to develop systematic infections, he or she goes from being HIV-positive to having AIDS. He or she may also be prone to get several varieties of cancers. Infection with the HIV/AIDS virus is ultimately fatal.

Bacteria: Pathogenic bacteria which can cause infections in humans such as Streptococcus, Staphylococcus and MRSA.

Hepatitis: Hepatitis is an inflammation of the liver. It can be caused by a number of substances and different types of viruses. From an occupational point of view hepatitis B and C are important. Hepatitis B is more infectious and prevalent than AIDS. Its symptoms may include jaundice (yellowing), vomiting, fever, and generally feeling weak. It can result in liver failure, liver damage, and liver cancer. Hepatitis C is contracted in a similar way but is much more insidious. The individual may not know that he or she has hepatitis. It may be discovered as an incidental finding when liver function tests are checked. If this is not treated, it may result in long-term severe liver damage.

STDs such as gonorrhea and syphilis: These diseases are acquired through direct sexual contact with an infected person or contact with an infected person's blood.

Tetanus: The bacteria that causes tetanus is commonly found in the soil. It causes intense muscle spasm and breathing difficulties and has a high mortality rate. A major risk factor for getting tetanus is a contaminated wound.

Viruses: Coronaviruses such as SARS, MERS, Swine Flu, Covid-19 and any novel viruses.

306.5 Procedures

306.5.1 Communicable Disease Prevention

a. In order to minimize potential exposure to communicable diseases, officers shall assume that all persons could be potential carriers (universal precautions).
b. Disposable gloves shall be worn when handling any persons, clothing, or equipment with body fluids or any time body fluids are present.
c. Masks, protective eyewear, disposable isolation gown or single-use/disposable coveralls shall be worn where body fluids or airborne pathogens may contaminate the officer.
d. At a minimum, authorized barrier resuscitation devices shall be used whenever an officer performs CPR or respiratory resuscitation. Hands only CPR is an accepted first responder intervention.
e. All sharp instruments such as knives, scalpels, and needles shall be handled with extraordinary care, and should be considered potentially infectious.
    - Gloves specifically designed to resist needle sticks, cuts, and abrasions shall be worn when searching for or handling sharp instruments. (Note: Standard leather gloves should not be worn. If they become contaminated with body fluids, they must be disposed of in accordance with all applicable laws pertaining to the disposal of biohazard waste.)
    - Officers shall not place their hands in areas where sharp instruments might be hidden. An initial visual search of the area shall be conducted, using a flashlight where necessary. The suspect shall also be asked to remove such objects from his or her person.
    - Needles shall not be recapped, bent, broken, removed from a disposable syringe, or otherwise manipulated by hand. Needles shall be placed in a puncture-resistant container when being collected for evidentiary or disposal purposes.
f. Officers shall not smoke, eat, drink, or apply cosmetics near body fluid spills.
g. Evidence contaminated with body fluids shall be dried, double-bagged in plastic bags, and marked to identify potential or known communicable disease contamination.
h. Human bites especially are very serious. Because of the bacteria in the human mouth, there is a high risk of infection. Injuries obtained from teeth on the hand or fist are equivalent to human bites and can be potentially serious. The most important thing is to wash the wound with soap and water and then to seek

medical evaluation soon.

306.5.2 Gloves will be worn for all anticipated exposure to body fluids. At a minimum this includes all trauma patients, all intravenous lines, and any person who is incontinent or markedly disheveled.

306.5.3 Goggles or glasses should be worn for any anticipated airborne or splattering exposure. Masks are also recommended when possible.

306.5.4 If unanticipated contact with a body substance occurs;washing should be performed as soon as possible. Contaminated clothing should be removed as soon as possible and washed with chlorine bleach before reuse.

306.6 Transport and Custody

a. Where appropriate protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may have a communicable disease.
b. Officers should not put their fingers in or near any person's mouth.
c. Individuals with body fluids on their persons shall be transported in separate vehicles from other individuals after appropriate medical evaluation or treatment by paramedics or other qualified medical personnel. The individual shall be required to wear suitable protective covering if he or she is bleeding or emitting body fluids, where reasonable or possible.
d. Officers shall notify relevant support personnel during a transfer of custody when the suspect has body fluids present on his or her person.
e. Jail personnel should be notified of suspects taken into custody with body fluids on their persons so they can be placed in a designated holding area to change into uncontaminated clothing.
f. Officers shall document on the appropriate arrest or incident form when a suspect taken into custody has body fluids on his person.

306.7 Disinfection

a. Any unprotected skin surfaces that come into contact with body fluids shall be immediately and thoroughly washed with soap and warm water. Alcohol-based hand cleaning solutions or antiseptic towelettes shall be used where soap and water are unavailable.
    - Hand lotion shall be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
    - All open cuts and abrasions shall be covered with waterproof bandages before the employee reports for duty.
b. Employees shall remove clothing that has been contaminated with body fluids as soon as practical. Any skin area that has come into contact with this clothing shall then be cleansed in the prescribed fashion. Contaminated clothing shall be

handled carefully and laundered separately. (Note: Lightly contaminated clothing shall not be laundered at home. The department shall make arrangements with a local health care facility or fire department that has laundry machines and procedures in place for the cleaning of contaminated clothing. Grossly contaminated clothing shall be disposed of in accordance with all applicable laws pertaining to the disposal of biohazard waste.)

c. Disinfection procedures shall be followed whenever body fluids are spilled, or an individual with body fluids on his or her person is transported in a departmental vehicle.
    - A supervisor shall be notified and the vehicle taken to an appropriate cleaning location as soon as practicable.
    - Affected vehicles shall be disinfected and cleaned by a method recommended for the applicable infectious disease upon arrival at the cleaning location.
    - All organic matter shall be removed with an absorbent cloth before disinfectant is applied to the area.
    - The affected area should be cleansed with a hospital-grade disinfectant. Employees shall not hose or flood the affected area unless that is recommended by the CDC or CDPHE.

d. Non-disposable equipment and areas upon which body fluids have been spilled shall be disinfected as follows:
    - All body fluids shall first be removed with absorbent materials.
    - The area shall be cleansed with a hospital-grade disinfectant.

e. All disposable equipment, cleaning materials, or evidence contaminated with body fluids shall be bagged and disposed of in compliance with current state or federal provisions for disposal of biologically hazardous waste material.

f. If unable to wear a disposable gown or coveralls because it limits access to duty belt and gear, ensure duty belt and gear are disinfected after contact with individual.
    - Clean and disinfect duty belt and gear prior to reuse using a household cleaning spray or wipe, according to the product label.
    - Follow standard operating procedures for the containment and disposal of used PPE.
    - Follow standard operating procedures for containing and laundering clothes. Avoid shaking the clothes.

306.8 Supplies

a. Supervisors shall ensure the department maintains the proper storage of adequate infectious disease control and personal protective equipment (PPE) supplies. Protective gloves, disinfecting materials, and other first-aid supplies shall be made readily available at all times.

b. Supervisors are responsible for the dissemination of the infectious disease control and PPE supplies.

c. Where reasonably possible, all departmental vehicles or the office shall be continuously stocked with the following communicable-disease control supplies:
    - Disposable isolation gown or single-use/disposable coveralls
    - Disposable gloves and gloves specifically designed to resist needle sticks, cuts, and abrasions
    - Hand sanitizer (>60 percent isopropyl alcohol)
    - Puncture-resistant containers and sealable plastic bags
    - Barrier resuscitation equipment, goggles, and masks
    - Hospital-grade disinfectant
    - Disposable towelettes or waterless disinfection solutions
    - Waterproof bandages
    - Absorbent cleaning materials
    - Biohazard tags

d. Employees who use the supplies shall ensure they are replaced.

e. Employees shall keep disposable gloves in their possession while on either motor or foot patrol.

306.9 Line-of-Duty Exposure to Communicable Diseases

a. Any employee who has been bitten by a person or stuck by a needle or who has had direct physical contact with potentially infected material shall be considered to have been exposed.

b. A supervisor and a designated infectious Disease Control Officer (DCO) or a licensed infectious disease control practitioner shall be contacted, and all appropriate duty injury and medical forms shall be completed by the exposed officer and his or her supervisor.

c. If the incident is deemed an exposure, the officer shall be transported to the health care facility for clinical and serological testing, as recommended by the designated Disease Control Officer (DCO).
    - The department shall provide for the continual monitoring of the exposed officer for evidence of infection and provide psychological counseling as determined necessary by the appropriate health care official.
    - Unless disclosure to an appropriate departmental official is authorized by the officer or by state/federal law, all information regarding the officer's exposure shall remain confidential.

d. In accordance with the Ryan White Law, any person responsible for potentially exposing the employee to blood-borne pathogens shall be required to undergo testing to determine whether the person has an infectious disease.

e. Employees who test positive for any bloodborne disease may continue on normal duty as long as they maintain acceptable performance and do not pose an additional safety and health threat to themselves, the public, or members of the department.
    - The department shall make all decisions concerning the employee's work status, as related to the exposure, solely on the medical opinions and advice

of the department's certified health care officials.
• Where appropriate, the department shall require an employee to be examined by a physician to determine the individual's fitness for duty.

306.10 Record Keeping

The Department/Town shall maintain written records of all incidents involving employees who have been exposed to any potentially infectious disease while acting in the line of duty. The records shall be maintained as required by federal regulations for a minimum of 30 years after separation. These records shall be maintained in a secured area with restricted access and maintained in conformance with applicable privacy laws.

Source: CBMO, IACP 2004 Model Policy
Standard: CACP 50.3
Issued: January 15, 1997
Revised: March 28, 2020

308 Communications

308.1 Purpose and Scope

The Crested Butte Marshal's Department shall abide by and adhere to all applicable policies and procedures described in the Gunnison Communications Center Policy Manual.

308.2 Procedure

308.2.1 All Marshal's Office personnel will familiarize themselves with pertinent Gunnison Dispatch Policy and directives.

308.2.2 The Communications Center is a secure area. Access is limited to law enforcement personnel and specific City employees. Access may be controlled at the door of the communications center or by means of the remote locking mechanism on the exterior door.

308.2.3 The communications employee on duty is completely in charge of the dispatch area. No one will engage in horseplay or other distractions from communications business in the Communications Center.

Source: CBMO
Standard: CACP 220.1-5
Issued: January 15, 1997
Revised:

310 Community Relations

310.1 Purpose and Scope

To establish procedures relating to community relations functions of the department.

This department is committed to establishing close ties with and responding to the needs of the community. Specifically included in this commitment is the need to identify and correct actions, practices, and attitudes that may contribute to community tensions and grievances.

310.2 Responsibility for Community Relations

310.2.1 The responsibility for achieving the department's community relations objectives is shared by all personnel. The conduct of each employee reflects on the department as a whole.

310.2.2 Primary responsibility for developing and coordinating the department's community relations activities rests with all department personnel.

310.3 Community Relations Planning and Reporting

310.3.1 The community relations plan shall make provisions for the following:

a. Establish a liaison, if necessary, with formal community organizations and other community groups.
b. Develop departmental community relations policies.
c. Publicize agency goals, problems, and successes.
d. Convey information transmitted from citizens' organizations to the department.
e. Improve department practices relating to police-community relations.

310.3.2 All employees, as a need arises, shall be required to prepare and submit a report to the Chief Marshal addressing the following:

a. A description of current concerns voiced by the community.
b. A description of potential problems that have a bearing on law enforcement activities within the community.
c. A statement of recommended actions that address previously identified concerns and problems.

310.4 Obtaining Community Input

Community input will be actively solicited by members of the department while

carrying out their duties. All employees are encouraged to obtain and report on community input, good or bad, received from any source.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised: February 23, 2003

312 Constitutional Safeguards

312.1 Purpose and Scope

To provide a written directive emphasizing the importance of observing individual constitutional rights as related to police activity.

To respect and protect the individual constitutional rights of all persons. To take firm and decisive action against any employee who, in the course of duty, deliberately and knowingly, without justification, violates the individual constitutional rights of any person.

312.2 Procedure

312.2.1 Certain individual constitutional rights are viewed as being particularly susceptible to abuse during the conduct of law enforcement activities. Among these are constitutional prohibitions against;

a. Unreasonable searches and seizures.
b. Self incrimination.
c. Deprivation of life or liberty without due process.
d. Criminal proceedings without assistance of counsel.

312.2.2 Officers must be sensitive to these constitutional issues and remain alert for case law interpretations and statutory augmentation arising out of the above topics. Some restrictions and considerations that apply are;

a. Absent exigent circumstances, search warrants are obtained prior to searches.
b. Using only reasonable and proper physical force.
c. Ensuring physical safety and medical needs of persons in custody.
d. Arrests are based on probable cause or warrant.
e. Persons in custody are advised of their rights concerning silence and access to an attorney.
f. Confessions and admissions are voluntary and do not result from coercion.
g. Allowing attorney access to those in custody so they are not deprived of counsel.
h. Persons in custody are arraigned without delay.
i. Control of pretrial publicity that would tend to prejudice a fair trial.

312.2.3 Denial of constitutional rights may result in criminal or civil sanctions against those involved, as well as disciplinary action against department employees.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised:

314 Civil Disturbance

314.1 Purpose and Scope

The purpose of this policy is to establish guidelines for dealing effectively with crowds engaged in or posing a significant threat of violence, property damage or breaches of the peace. Riots and other civil disorder situations such as violent or potentially violent protests, unruly and destructive crowds are significant in their effects on personal safety and damage to private and public property.

The manner in which law enforcement officers deal with unruly crowds and illegal gatherings has direct bearing on their ability to control and defuse the incident and contain property damage, injury or loss of life. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures of containment, evacuation, communication, use of force and command and control as enumerated in this policy.

314.2 Definitions

Civil Disturbance/Riot: [18-9-101(2)] A public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs the performance of any governmental function.

Engaging in a riot: [18-9-104] A person commits an offense if he or she engages in a riot.

Inciting a Riot: [18-9-102] Incites or urges a group of five or more persons to engage in a current or impending riot; or gives commands, instructions, or signals to a group of five or more persons in furtherance of a riot.

314.3 Preparedness

314.4.1 The Marshal's Office should make attempts to learn of unlawful gatherings or lawful gatherings with a propensity to turn out unruly. These events should be legally monitored and appropriate manpower decisions made to regulate the crowd's unlawful activities. **Nothing contained in this document should be construed as authorization to violate civil or constitutional rights.**

314.4.2 The first officer on-scene should observe the situation from a safe distance and determine if the event is a current or impending riot.

314.4.3 Notify Gunnison Dispatch of the nature and seriousness of the

disturbance, particularly the availability of weapons.

314.4.4 Notify the Chief Marshal or his designee.

314.4.5 Consider placing EMS and/or Fire on standby or having them stage for a timely response.

314.5 Response

314.5.1 Every effort should be made to quell the riot before it begins. Identify obvious leaders or instigators and advise them of the consequences for their actions. Be decisive in demands that public safety and order will be maintained or they will be held accountable.

314.5.2 In the case of an unorganized mob, attempt to identify the key instigators.

314.5.3 The standard response to civil disorder is to utilize extensive manpower and riot control equipment to overcome the disobedience. The local shortage of manpower to overcome even a medium sized gathering of rioters is defining of the proposed response.

314.5.4 To minimize the potential danger to the general public and to all involved in the incident, responders should swiftly and safely rescue Innocents and protect property to the best of their resources.

314.5.5 The crowd should be informed with a loud, clear (PA) order to the effect that, "By the order of the Crested Butte Marshal's Office this gathering and your conduct is illegal. Our aim is to resolve this peacefully so you must leave the area immediately. If you do not disperse now we may use force to disperse your illegal gathering and cannot guarantee your safety". Give this order several times to allow time for compliance.

314.5.6 When local and mutual aid resources are available, consider the use of "Dispersion Teams" to dissolve the unlawful gathering by targeting the agitators and aggressors. Generally when these people have been removed from the situation the others gathered will disperse.

314.5.7 Designate contact and arrest teams. Designate cover teams with appropriate less-lethal and lethal force options.

314.5.8 If the incident is beyond the capabilities of local responding officers the IC should request mutual aid and/or Colorado State Patrol's SORT team for

assistance.

314.5.9 Establish a staging area for manpower and supplies.

314.5.10 If possible, video the event before, during and after. This will aid in identifying persons for later prosecution and to document their actions and the reactions of police.

314.5.11 First responders should attempt to isolate the affected area as much as possible.

314.5.12 EMS /Fire should stand-by at a safe location

314.5.13 The Department's Use of Force and Use of Deadly Force polices shall be followed in conducting this plan.

314.6 Containment and Dialogue

314.6.1 Establish contact with the crowd leaders to assess their intentions and motivation and develop a trust relationship; and

314.6.2 Communicate to the participants that their assembly is in violation of the law and will not be tolerated. That the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.

314.7 Physical Arrest

314.7.1 When appropriate the IC may order the arrest of crowd leaders, agitators or others engaged in unlawful conduct.

314.7.2 Ensure availability of transportation for arrestees.

314.8 Less-Lethal Force

If cause exists to use force options to control or disperse the rioters the appropriate force may be used to accomplish that end. In doing so, the on-scene commander shall ensure that;

314.8.1 A clear path of escape is available for those who wish to flee the area.

314.8.2 All uses of force must be in compliance with the Department's Use of Force policy.

314.8.3 The use of chemical agents or impact projectiles should be controlled and coordinated.

314.9 Command Responsibilities

314.9.1 Strict accountability should be maintained for deployed personnel and assets. Chain of command and regular status checks will be verified by the Incident Commander.

314.9.2 The Incident Commander will ensure deployed assets are properly equipped for the conditions to be encountered.

314.9.3 An after-action report and debrief shall be conducted.

314.9.4 Officer, witness, suspect and other interviews will be conducted and a written report will be made by the Incident Commander detailing the incident and any uses of force.

Source: CBMO
Standard:
Issued: 5/6/2014
Revised:

316 Off Duty Employment as a Police Officer

316.1 Purpose

To establish policy guidelines and procedures for employment of otherwise off-duty police officers by private persons or businesses.

316.2 Policy

316.2.1 All police functions performed by members of the Crested Butte Marshal's Department fall within the authority and responsibility of the Chief Marshal and will remain under his/her control at all times. There will be no individual contracts or agreements for the provision of police services. All outside employment in the capacity of a police officer will be contracted through the Town of Crested Butte.

316.2.2 The officer's performance of services pursuant to an **Agreement for Law Enforcement Services** shall be deemed to be a part of the regular assigned duties of police officers and within the scope of the officer's employment with the Town. Officers may work in uniform or plain clothes according to the service recipient's needs at the discretion of the officer's supervisor.

316.2.3 Officers performing services pursuant to an **Agreement for Law Enforcement Services** shall, at all times, follow the ordinances, rules, regulations, and policies of the Town of Crested Butte and Crested Butte Marshal's Department, and all applicable laws.

316.2.4 The Department may stipulate a minimum number of officers required to safely perform the law enforcement services requested based on the Department's evaluation of the risks involved.

316.2.5 Nothing in this policy should be construed as to require an **Agreement for Law Enforcement Services** for services normally delivered by the Department to assure public safety. Assignment of police personnel to community, charitable, or other public events in the community interest is at the sole discretion of the Department.

316.2.6 Outside employment in non-law enforcement situations is governed by the **Town of Crested Butte Employee Handbook, Section 16(c): Outside Employment.** In addition to the requirements outlined in the Town's personnel policy regarding outside employment, officers are to obtain prior approval from the Chief Marshal for any employment outside the department.

Department personnel are expected to consider outside employment with respect to their capacity to function during duty hours, possible conflicts of interest, and its reflection on themselves and on the department.

316.3 Procedures

316.3.1 All persons requesting law enforcement services for commercial, business, individual, or other "for profit" activities, or dedicated to a specific event must execute a written **Agreement for Law Enforcement Services** specifying the dates, times, number of officers, locations, and description of the desired services. The **Agreement for Law Enforcement Services** must be presented to the Marshal's Department in advance of the activity in sufficient time to allow scheduling of personnel and to communicate approval or denial of the application.

316.3.2 Requests will be granted subject to the availability of otherwise off-duty officers and consideration of the Town's needs. Off-duty officers are subject to recall without notice at any time to meet the needs of the Town.

316.3.3 The hourly rate for officers assigned pursuant to an **Agreement for Law Enforcement Services** will be calculated using the first line supervisory rate plus an administrative percentage found in the Town Budget effect at the time of service. The **Total Compensation** figure paid for each officer will be at their (1.5 time) overtime rate.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised: 1/29/2024

AGREEMENT FOR LAW ENFORCEMENT SERVICES

THIS AGREEMENT is between the Town of Crested Butte, a Colorado home rule municipality, whose address is P.O. Box 39, 507 Maroon Avenue, Crested Butte, Colorado 81224 ("Town"), and _____ whose address is _____, (hereinafter referred to as "Services Recipient").

WHEREAS, the Town has adopted policies and procedures permitting certain Town police officers to provide services related to law enforcement, when they are otherwise off-duty, and subject to availability; and,

WHEREAS, the Services Recipient wishes to utilize services of otherwise off-duty Town police officers to render law enforcement services to Services Recipient;

NOW, THEREFORE, In consideration of the mutual promises contained herein the parties agree as follows:

1. Assignment of Officers. The Town will allow the assignment of otherwise off-duty Town police officers as set out in the attached "Request for Otherwise Off-Duty Officer", which is incorporated herein, on an as-available basis, for the purpose of performing services for THE SERVICES RECIPIENT under this Agreement.

2. Provision of Services. The following shall apply to all services performed pursuant to this Agreement and to each officer assigned by the Town in connection with such services:

a. The officer shall be responsible for the enforcement of Town ordinances and other applicable laws, and activities related thereto.

b. The officer's performance of services pursuant to this Agreement 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 Town.

c. The officer shall be under the supervision and control of the Town Manager and/or Town Chief Marshal and/or their designees ("Supervisor").

d. Unless the Supervisor has approved the officer for plain clothes work, the officer shall wear the official uniform and badge of the Town Marshal and the badge shall be plainly visible

e. The officer shall be responsible for completing the appropriate reports and forms necessary to conclude an incident, unless otherwise directed by the Supervisor.

f. The officer shall at all times follow the ordinances, rules, regulations, and policies of the Town and the Town Marshal, and other applicable laws.

g. The Supervisor may authorize the use of Town equipment by the officer when the Supervisor determines such use is in the best interests of public safety and necessary to the assignment.

h. The parties hereto understand and agree that the officer is assigned on an as-available basis and is subject to immediate release from providing services under this Agreement if the Supervisor, in the Supervisor's sole discretion, determines that the release is necessary for other purposes of the Town. If determined by the Supervisor to be practicable, the Supervisor shall endeavor to notify the SERVICES RECIPIENT of such release in advance. The SERVICES RECIPIENT acknowledges that in the event an officer is so released, the Town shall have no obligation to provide replacement personnel, and that the Town, its officers, and its employees shall have no liability arising from or in any connected with such release, on the basis of any legal theory whatsoever. The SERVICES RECIPIENT, on behalf of itself, its officers, and its employees, hereby releases the Town and its officers and employees from and waives any and all liability, claims, and demands for damages of whatsoever nature, which arise out of such release, or are in any manner connected with such release and, in addition to any other indemnification/hold harmless obligations incurred under this Agreement, agrees to indemnify and hold harmless the Town and its officers and employees from and against any third-party liability, claims, and demands arising out of or in any way connected with any such release.

3. Payment for Services. For each police officer assigned to the SERVICES RECIPIENT, the SERVICES RECIPIENT will remit to the Town a sum calculated using a reasonable overtime rate plus the Town's administrative costs (overtime compensation, payroll taxes, workers' compensation insurance, and other benefits and costs) which is $_____ per hour, per officer. The SERVICES RECIPIENT agrees that the **minimum amount of time paid for any request will be two hours**. The Town will invoice the SERVICES RECIPIENT monthly for the services rendered during the previous month and the SERVICES RECIPIENT will pay each invoice within 30 days.

4. Indemnification and Release. The SERVICES RECIPIENT agrees to indemnify and hold harmless the Town, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage of whatsoever nature, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the services to which this Agreement pertains. In addition, the SERVICES RECIPIENT hereby expressly exempts

and releases the Town, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage to the SERVICES RECIPIENT, its servants, employees, or agents, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, or property loss or damage, that the SERVICES RECIPIENT, its servants, employees, or agents, may incur in connection with such services.

5. Failure to Furnish Services. The parties hereto understand and agree that the Town's provision of services under this Agreement is on an as-available basis as determined by the Town in its sole discretion, and that the SERVICES RECIPIENT's sole remedy for failure to provide such services is the termination of this Agreement.

6. Officers Not Employees of Services Recipient. Nothing herein shall be deemed to make an officer providing services hereunder an agent or employee of the SERVICES RECIPIENT for any purpose. The Town and the SERVICES RECIPIENT agree that they stand in an independent contractor relationship.

7. Governmental Entity. The parties agree that the Town is a governmental entity and that the Town does not waive any of its rights or protections under the Colorado Governmental Immunity Act, C.R.S Section 24-10-101, *et seq*.

8. Term. The term of this Agreement shall commence on _____, 20___, at ____:____am/pm and end on _____, 20___ at ____:____am/pm. This Agreement may be terminated by either party upon 30 days written notice to the other.

9. Assignment. This Agreement shall not be assigned by either party.

10. Notices. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by regular mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the first page of this Agreement. Such notice shall be deemed to have been given when deposited in the United States mail.

11. Exhibits. The Request for Additional Law Enforcement Service and any other exhibits to in this Agreement are incorporated herein for all purposes.

12. Severability. In the event any provision of this Agreement shall be held to be invalid and unenforceable, the other provisions of this Agreement shall be valid and binding on the Parties hereto.

13. Integration and Amendment. This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

14. **Waiver of Breach.** A waiver of any party to this Agreement or the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

15. **Governing Law, Venue, Attorney's Fees.** This Agreement shall be governed by the laws of the State of Colorado. In the event a dispute between the parties arises in connection with this Lease Agreement, and a party must commence legal action to resolve the dispute, the prevailing party in such legal action will be entitled to recover all reasonable attorneys' fees and costs incurred from the non-prevailing party, in addition to any other relief the court awards in such legal action. Any legal action related to this Agreement shall be brought in Gunnison County, Colorado.

16. **Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon the parties, their respective legal representatives, successors, heirs, and assigns, provided however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement.

EXECUTED on this _____ day of _____, 20___.

TOWN OF CRESTED BUTTE

By:_____

Title:_____

SERVICES RECIPIENT

By:_____

Title:_____

_____
Address

_____
Phone

REQUEST FOR ADDITIONAL LAW ENFORCEMENT SERVICES

Today's date: _____

Requesting party or company: _____

Name and title of person with authority to make this request:
_____

Address: _____

Telephone/E-mail: _____

Date(s) for which services are requested:
_____

Hours for which services are requested:
_____

Number of officers requested: _____

Supervisor required: Yes _____ No _____

Address for which services are requested:
_____

Description of facilities and/or functions at which services are requested:
_____
_____
_____

Special conditions/considerations (such as special equipment required and/or extraordinary hazards or safety conditions) which may be encountered:
_____
_____
_____

SIGNATURE OF REQUESTING PARTY/COMPANY:

By:_____
Title:_____
Date:_____
Signature: _____

Title:_____

Date/time begin: _____ Date/time end: _____

Location of service: _____

Number of officers requested: _____

Describe activity and services requested: _____

_____

Describe any special conditions, hazards, or equipment requested: _____

_____

Approved by Chief: _____ Approved by Scheduling Supervisor: _____

Officer Assigned	Hours Worked	Overtime Rate	Amount Due	Officer's Initials
		Total Due		

318 Off Duty Law Enforcement Actions

318.1 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 deputies of the Crested Butte Marshal's Office with respect to taking law enforcement action while off duty.

318.2 Policy

Deputies generally should not initiate law enforcement action while off duty. Deputies 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, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort. Deputies 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.

318.3 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 **702 Firearms-Authorization and Carry** policy. When carrying firearms while off duty, officers shall also carry their department issued badge, identification and restraints.

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)).

318.4 Decision to Intervene

There is no legal requirement for off duty officers to take law enforcement action. However, should deputies 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 proper handcuffs or intermediate weapons (oleoresin capsicum (OC) spray, Taser or baton).
d. The lack of cover.
e. The potential for increased risk to bystanders if the off duty officer were to intervene.
f. Unfamiliarity with the surroundings.
g. The potential for the off duty officer to be misidentified by other peace officers or members of the public. Officers should consider waiting for on duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

318.4.1 Intervention Procedure

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 911 to request immediate assistance. The operator should be informed that an off duty deputy 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 a "Police Officer" until acknowledged. Official identification should also be displayed.

318.4.2 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.

318.4.3 Responsibilities

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

318.4.4 Other Considerations

When encountering a non-uniformed officer in public, uniformed deputies should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

318.5 REPORTING

Any deputy, prior to taking any off duty enforcement action, shall notify and receive approval of a Crested Butte Marshal's Office supervisor (or other applicable law enforcement authority) if acting outside the jurisdiction of the Crested Butte Marshal's Office. 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.

Source: Lexipol, LLC 2011
Standard:
Issued: 5/6/2014
Revised:

320 Profiling

320.1 Purpose and Scope

The purpose of this policy is to unequivocally state that "profiling" with respect to color of skin, apparent race, ethnicity, age, or gender as defined herein, is an abhorrent and unacceptable practice in the Marshal's Department. And, to provide guidelines for officers to prevent profiling, and to protect officers from unwarranted accusations of profiling when they act within the dictates of the law and policy.

It is the policy of the Marshal's Department to patrol in a proactive manner, to investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. It is also the policy of the Marshal's Department that no officer shall engage in unacceptable profiling.

320.2 Definitions

Profiling: For purposes of this section, "profiling" means the practice of detaining a suspect based on race, ethnicity, age, or gender without the existence of any individualized suspicion of the particular person being stopped.

Reasonable suspicion: Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer, combined with their training and experience, and/or reliable information received from credible outside sources.

320.3 Procedures

320.3.1 Motorists and pedestrians shall only be subjected to stops, seizures and detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Each time a motorist is stopped, the officer shall advise Gunnison Communications of the location of the stop, license plate or description of the vehicle, and the driver's license information of the driver. This information will be logged in the officer's radio history.

320.3.2 A peace officer shall provide, without being asked, his or her business card to any person whom the peace officer has detained in a traffic stop, but has not cited (written citation or warning) or arrested. The

business card shall include identifying information about the peace officer including, but not limited to, the peace officer's name, and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, positive or negative, regarding the traffic stop.

320.3.3 Officers will document the demographic information, stop details, and force related to the contact per state statute utilizing their daily log and the Citizen Contact app.

320.3.4 The provisions of this section shall not apply to authorized undercover operations conducted by any law enforcement agency.

320.4 Complaints of Profiling

320.4.1 Any person may file a complaint with the Town if the person feels that an officer has stopped or searched the person based on profiling. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

320.4.2 Any officer contacted by a person who wishes to file such a complaint shall be allowed to do so, and directed to do so, under SOP 904 Complaint Process.

Source: CBMO
Standard:
Issued: January 1, 2002
Revised: 11/21/2023

322 Social Media

322.1 Purpose and Scope

The department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

322.2 Policy

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

322.3 Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

322.4 On the Job Use - Department-Sanctioned Presence

322.4.1 Determine strategy

a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
b. Where possible, the page(s) should link to the department's official website.
c. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

322.4.2 Procedures

a. All department social media sites or pages shall be approved by the chief executive or his or her designee and shall be administered by the Department/Town information services or as otherwise determined.
b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
    1. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
    2. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
    1. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.

2. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

322.4.3 Department-Sanctioned Use

a. Department personnel representing the department via social media outlets shall do the following:
   1. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
   2. Identify themselves as a member of the department.
   3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.

322.4.4 Not conduct political activities or private business.

a. The use of department computers by department personnel to access social media is prohibited without authorization.
b. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
c. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

322.4.5 Potential Uses

a. Social media is a valuable investigative tool when seeking evidence or information about
   - missing persons;
   - wanted persons;
   - gang participation;
   - crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
   - photos or videos of a crime posted by a participant or observer.

322.4.6 Social media can be used for community outreach and engagement by:

a. providing crime prevention tips;
b. offering online-reporting opportunities;
c. sharing crime maps and data; and
d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).

322.4.7 Social media can be used to make time-sensitive notifications related to

a. road closures,
b. special events,
c. weather emergencies, and
d. missing or endangered persons.

322.4.8 Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

322.4.9 This department has an obligation to include Internet-based content when conducting background investigations of job candidates.

322.4.10 Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

322.4.11 Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

322.4.12 Search methods shall not involve techniques that are a violation of existing law.

322.4.13 Vetting techniques shall be applied uniformly to all candidates.

3224.14 Every effort must be made to validate Internet-based information considered during the hiring process.

322.5 Personal Use

322.5.1 Precautions and Prohibitions

a. Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.
b. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
c. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech

under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

322.5.2 Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief executive or his or her designee.

322.5.3 For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:

a. Display department logos, uniforms, or similar identifying items on personal web pages.
b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

322.5.4 When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

322.5.5 Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

322.5.6 Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

322.5.7 Department personnel should be aware 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 (defamation);
b. publishing or posting private facts and personal information about someone without their permission 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 for an exploitative purpose; or
d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

322.5.8 Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

322.5.9 Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

322.5.10 Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Acknowledgment

This *Model Policy* was developed by the IACP Center for Social Media in conjunction with the IACP National Law Enforcement Policy Center. We are appreciative of the many police agencies across the country who shared their existing policies.

Source: IACP Model Policy, August 2010
Standard:
Issued: 5/6/2014
Revised:

324 Media Relations

324.1 Purpose and Scope

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

324.2 Responsibilities

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief Marshal. However, in situations not warranting immediate notice to the Chief and in situations where the Chief has given prior approval, the Deputy Chief Marshal, Shift Supervisors and the designated Press Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 Media Request

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

a. At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
b. In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
c. Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief.

324.3 Media Access

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

a. The media representative 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 Press 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 Marshal and the express written consent of the person in custody. A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Press Information Officer.

324.3.1 Temporary Flight Restrictions

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR § 91.137).

324.3.2 Providing Advance Information

To protect the safety and rights of deputies 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. Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

324.4 Scope of Information Subject To Release

The Department may compile a daily information log of significant law enforcement activities available, upon request, to media representatives through the Administrative Assistant with approval of the Chief or his designee. This log may consist of data classified as public which would 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 date, time, location, case number, name, known aliases, sex, birth date, facts of arrest and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

c. The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law. At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law. At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim. At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this department has determined that the identity of a juvenile witness reasonably requires protection. Information concerning incidents involving persons whose identities are classified as private or confidential under state law shall be restricted from disclosure. Further detail is available in the Release of Records Policy.
Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified, the decedent's family has been notified when feasible and the release is approved by a supervisor in consultation with the Coroner.
Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will be processed in accordance with policy and state law.

324.4.1 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 Release of Records Policy and the Personnel Files Policy).

When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

a. The identities of involved officers/deputies when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law.

b. Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
c. Information pertaining to pending litigation involving this department.
d. Information obtained in confidence or that uniquely describes stolen, lost, confiscated or recovered property.
e. Any information that is otherwise privileged or restricted under state or federal law.

324.4.2 Federal Restricted Information

Information protected by the National Driver Privacy Protection Act (18 USC 2721(c)) is restricted under federal law, except as authorized or waived.

324.5 Public Comment Restrictions

324.5.1 OK to say:

- Information in Public Record (Best practice: provide copy of affidavit or direct media to court to obtain affidavit – unless affidavit is sealed.)
- An investigation is in progress
- Court scheduled or result of court hearing
- Request for help in investigation
- Warning of danger to public
- Identity, residence, occupation, family status of accused
- Information needed to apprehend suspect
- Fact, time, and place of arrest
- ID of investigating and arresting agency(ies)

324.5.2 DO NOT say:

- Character, reputation, credibility or CRIMIMAL RECORD of the person
- Possibility of guilty plea, or opinion as to guilt
- Confession or refusal to make statements
- Forensic tests are being performed or RESULTS OF TESTS, or failure or refusal to take tests
- Other statements about evidence

324.5.3 REQUIRED STATEMENT:

If a defendant is charged with a crime, you must also include this statement: "The charge is merely an accusation and the defendant is presumed innocent until or unless proven guilty."

324.5.4 After a case is presented to the DA's Office, please refer ALL requests for information to the DA's Office.

Source: Lexipol, LLC 2011; 7th Judicial District Attorney's Office

Standard: N/A
Issued: 5/6/2014
Revised:

326 Major Incident Notifications

326.1 Purpose and Scope

Incidents that are of a significant nature and that fall into listed criteria require notification to certain members of this department. It is critical that staff members are informed of certain incidents in order to apprise the chain of command and properly address inquiries from members of the media and the public.

326.2 Minimum Criteria for Notification

Most situations where the media show a strong interest are also of interest to the Town Manager, Chief and Deputy Chief Marshal. 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 **304:** Use of Force Review, Officer Involved Shooting)
- Significant injury or death to an employee, whether on or off duty
- Death of a prominent Town official
- Arrest of Department employee or prominent Town official
- Aircraft, bus 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

326.3 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.

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief shall be notified along with the Deputy Chief Marshal and the Investigator if providing assistance. The Chief or Deputy Chief Marshal will then be responsible for determining if other notifications, such as the Town Manager, will need to be made.

Source: Lexipol, LLC 2011
Standard: N/A
Issued: 5/6/2014

Revised:

328 Search and Seizure

328.1 Purpose and Scope

Both the federal and the state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Crested Butte Marshal's Office personnel to consider when dealing with search and seizure issues.

328.2 Policy

It is the policy of the Crested Butte Marshal's Office 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.

Consistent with the Training Policy, the Department will provide relevant and current training to deputies as guidance for the application of current law as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

328.3 Searches

The Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule 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:

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

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

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

Whenever practicable, officers are encouraged to contact a supervisor, the on-call District Attorney or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.

328.4 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.

328.5 Documentation

Deputies 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.

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

Source: Lexipol, LLC 2011
Standard: N/A
Issued: 5/6/2014
Revised:

330 Body Worn Camera

330.1 Purpose and Scope

Body-Worn Cameras are an effective law enforcement tool that can reduce violent confrontations and complaints against officers. Body-worn cameras provide additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust.

330.2 Policy

This policy is intended to provide officers with instructions on when and how to use BWC's. The Department has adopted the use of body-worn cameras to accomplish several objectives, including:

330.2.1 Body-worn cameras allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony.

330.2.2 Audio and video recordings enhance the Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

330.3.3 Body-worn cameras may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

330.3 Overview

The body-worn cameras should be utilized to:

330.3.1 Collect evidence that can be used in the prosecution of criminal offenses.

330.3.2 Record contacts with the public in order to secure unbiased evidence in connection with investigations.

330.3.3 Allow for supervisory review to ensure that department policies and procedures are followed.

330.3.4 Capture footage that would be helpful for training.

330.4 Definitions

330.4.1 Body-worn cameras are camera systems designed to be worn by police officers to capture digital multimedia evidence.

330.4.2 Digital Multimedia Evidence or DME consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

330.5 Legal Issues

330.5.1 Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. The personal use of all information recording by body-worn cameras shall only be pursuant to the prior written approval of the Chief Marshal.

330.5.2 Use of body-worn cameras for any purpose other than in accordance with this policy is prohibited.

330.5.3 All data, images, video and metadata captured by body-worn cameras are subject to state statutes and the Marshal's Office policies regarding retention of records.

330.6 Procedures

330.6.1 Prior to using a body-worn camera, officers shall receive Department-approved training on its proper operation and care and the Department's policy with respect to the use of the body-worn camera. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment.

330.6.2 Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisor of any problems.

330.6.3 In the event that a body-worn camera is lost or stolen, upon discovery the officer shall immediately notify his/her supervisor.

330.6.4 Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording.

330.6.5 Officers assigned a body-worn camera may use the camera at approved off-duty employment, but only in connection with their Department duties. If used for this purpose, the officer shall download all DME during their next regularly assigned on-duty shift.

330.6.6 Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes

330.6.7 If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Marshal's Office reserves the right to limit or restrict an officer from viewing the video file.

330.7 Operation of Body-Worn Camera

330.7.1 Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties.

330.7.2 Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers may evaluate the situation and, when appropriate, honor the citizen's request. The request to turn the camera off should be recorded, as well as the officer's response.

330.7.3 Deactivation of the body-worn camera shall occur when:

1. The event has concluded;

2. Victim and/or witness contact has concluded;

3. All persons stopped have been released;

4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility may choose to keep the officer's body-worn camera activated until custody of the individual is transferred to the detention facility. This will be at the officer's discretion.

330.7.4 If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reasons for doing so.

330.7.5 Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged

relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).

330.7.6 Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior approval of the Chief Marshal or the Chief's designee.

330.7.7 Illegal Audio Recording. The illegal clandestine audio recording of a private conversation (no one party consent) is prohibited by law as described by Colorado State wiretapping and eavesdropping statutes.

330.7.8 Officers shall be allowed to review the recordings from their officer-worn body cameras at any time. To help ensure accuracy and consistency, officers are encouraged to review recording prior to preparing reports.

330.7.9 If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall (1) have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and (2) have the right to review recordings from other body-worn cameras capturing the officer's image or voice during the underlying incident.

1. Viewing should occur close in time to the use of force event.

2. The officer should be aided in understanding the limitations of video evidence and, that video evidence cannot replace the human perspective.

3. Reassure the officer that they are not expected to speculate or guess when remembering information.
    a. Ask the officer if they notice items on the video evidence they did not perceive in real time.
    b. Ask the officer if they perceived anything in real time that is NOT reflected on the video evidence.

330.7.10 Body-worn cameras shall not be used to record:

1. Communications with other police personnel, unless the communication is made during an investigation, arrest, or lawful search.

2. Encounters with undercover officers or informants.

3. When an officer is on break or is otherwise engaged in personal activities.

4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.

5. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.

6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

330.8 Handling of Digital Multimedia Evidence

330.8.1 All files from body-worn cameras shall be securely downloaded as a soon as practical. Each file shall contain information related to the date, body-worn camera identifier, assigned officer, and incident report number.

330.8.2 All images and sounds recorded by the body-worn camera are the exclusive property of the Crested Butte Marshal's Department.

330.8.3 All files from body-worn cameras shall be securely stored in accordance with state records retention laws and for no longer than useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

330.8.4 Requests for deletion of portions of a recording from a body-worn camera (e.g., in the event of a privileged or personal recording) must be submitted in writing to the chief in accordance with state records retention laws.

330.8.5 Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the chief.

330.9 Retention and Destruction of Digital Multimedia Evidence

330.9.1 The retention and destruction of DME shall be pursuant to state public records retention laws.

330.9.2 All stored DME is subject to release in accordance with the state public records retention laws. Officers shall be provided with at least one week's notice of any public requests made to review DME from their body-worn cameras.

330.10 Supervisory Responsibilities

330.10.1 All Officers have access to body-worn camera date (images, sounds, and metadata) and all access can be audited by the Chief Marshal and/or

supervisor to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

330.10.2 Supervisory personnel shall ensure that officers equipped with a body-worn camera utilize them in accordance with policy and procedures defined herein.

330.10.3 Supervisors will randomly review body-worn cameras to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance in required.

Source: Bureau of Justice Assistance, Labor Relations Information System, Mt. Crested Butte Police Department, Force Science
Standard: N/A
Issued: April 1, 2020
Revised: April 12, 2022

332 Mobile Communication Devices

332.1 Purpose

The purpose of this policy is to provide law enforcement officers with guidelines for the use of cellular phones as well as similar mobile communication devices, hereafter referred to as "MCDs." This policy does not cover the use of mobile data terminals (MDTs).

332.2 Policy

It is the policy of this agency to use MCDs in the course of police operations to enhance departmental communication. MCDs may be used by officers to conduct official business when the use of radio communication or landline telephones is inappropriate, unavailable, or inadequate to meet communication needs and when the device is used in accordance with this policy. Information or data housed in personal or departmental MCDs related to the course and scope of employment is the property of this department.

332.3 Definitions

Course and Scope of Employment - Employee work or actions, whether performed on or off duty, to further the department's law enforcement responsibilities and goals as authorized by law; statute; or departmental policies, procedures, rules, and training.

Disruptive activity - Any time that MCDs would be considered disturbing, such as in meetings, training sessions, court, or public places when their use would reasonably be deemed inappropriate or intrusive.

Distraction - Any time the use of an MCD would divert, hinder, or delay the attention of an officer from official duties and/or cause a potentially hazardous situation.

Mobile Communication Device (MCD) - Cellular telephones, personal digital assistants (PDAs), and any such device designed to record, transmit, and/or receive voice communications, text messages, e-mail, sound, video, or photographic images.

Personal Use - Use of an MCD, to include verbal conversations, texting, Internet use, game playing, and similar functions, that is unrelated to an officer's employment.

332.4 Procedures

332.4.1 Use of MCDs

a. MCDs shall be used only to conduct official police business while the officer is on duty. Personal use is restricted and subject to departmental review or supervisory approval.

b. MCDs are an augmentation to the department's communication system, not a substitute for radio communication designated for transmission through the Gunnison Regional Communications. Approved uses include, but are not limited to, the following types of communications:
   1. Conveyance of sensitive or restricted information
   2. Transmission of information related to undercover operations
   3. Lengthy communication with other personnel on a department-related matter
   4. Communication beyond normal radio range
   5. Incidents in which use of a landline telephone would be appropriate but where one is not available

c. Officers should not normally provide the number of their MCDs to members of the public. Exceptions may be made when immediate future contact between an officer and a victim, witness, or other person may be important.

d. Personnel shall not provide the MCD number of any other member of this agency to a member of the public without that member's authorization.

e. Any charges for usage of an MCD should be limited and clearly linked to operational necessity. Audits of both personal and departmentally issued device use may be conducted at the department's discretion.

f. Departmentally issued MCDs may be used in off-duty capacities only for the conduct of police-related business or during department-related off-duty law enforcement assignments.

g. The records of MCD use, whether departmentally owned or personal, while on duty may be subject to review by the department.

h. This department reserves the right to deny the use of any personal MCDs while the officer is on duty. When authorized, officers electing to carry personally owned MCDs while on duty must provide their immediate supervisor with the MCD's calling number.

i. Personal MCDs are governed by the same safety and use restrictions as provided above.

332.4.2 Use of Audio and Visual Recordings

a. Voice, text, or image recordings obtained during the course and scope of an officer's employment - whether by personal or departmentally issued equipment - are the property of this department and are governed by evidentiary policies of this department, potential Brady disclosure requirements, and any public records retention and disclosure laws of this state.

b. Audio recordings of conversations may be subject to federal and state wiretapping laws.

c. The use of personal audio or video-recording devices, where authorized by the department, may be used to preserve perishable evidence when

better options are not reasonably available. Officers shall make their supervisor aware of any recorded information that is obtained during the course and scope of the officer's employment or that may be reasonably considered germane to an investigation or other departmental business.

d. No officer will erase or attempt to delete, remove or alter any image, video, or audio file related to department business or taken while on duty from an MCD unless authorized to do so by the department.

e. Officers shall not keep personal copies of any image, video, or audio file related to department business.

f. Text, voice, or photographic images made while conducting official police business, whether on or off duty, may not be shared with third parties in this department or elsewhere, unless they have a need and a right to such information in order to further an investigation or conduct other official departmental business.

g. Personnel shall not use MCDs to share messages or visual or audio recordings with social or other print or electronic media, when such communications could reasonably be considered positions of this police department, could undermine departmental integrity, or bring disrepute to the department or its members.

Source: IACP Model Policy Center
Standard:
Issued: June 8, 2022
Revised:

334 Personal and Found Property

334.1 Purpose and Scope

This procedure is intended to provide all department staff with instructions on when and how to manage Personal and Found Property.

• Personal property (P) - property that has no evidentiary value but must be held for safekeeping for the owner.
• Found property (F) - property that has no evidentiary value and the owner may or may not be known.
• Discarded or abandoned items (trash, junk, debris) are not considered Found or Personal Property.

334.2 Procedure

334.2.1 General Guidelines

All department staff coming into possession of personal and/or found property will first attempt to determine if the location where the item was found is in, or near, Crested Butte such that receiving the property would be beneficial to reunite the property with its rightful owner.

a. A Personal Property Owner's Notification Card (the Card) will be completed, and the property will be properly tagged for identification.
b. Any information that could assist in locating, or actions taken to locate, the owner(s) of the property must be included on the Card.
c. Staff taking in property should include the name and contact information of the finder and/or claimant.
d. Any found currency (cash) should be placed in the Manager's safe.

334.2.2 Property Owner Notification of Limited Retention Period

The identified owner(s) of any item classified as personal property must be notified by the submitting officer that the Department holds such property for 30 days before it is disposed of or sold at public auction.

a. Personally present the Property to the owner at the Marshal's Office; or
b. Deliver it to the Detention Center if the owner is an inmate; or
c. Ship it (if the owner pays for the mailing); or
d. Personally deliver it to the property owner.

334.2.3 Return and Release of Personal Property

a. Personal property can be released to the owner upon completion of the Card.
b. Personal property may be retrieved by persons other than the owner upon express permission from the owner authorizing the release of the property.
c. Property (that has not been declared to be contraband) found by a citizen and turned over to the Department for safekeeping can be claimed by the finder at the end of the 30 day period if the owner has not been identified or the property claimed. The

citizen will be instructed to contact the Marshal's Office Manager to make such claim.
d. The name and any other defining information (DOB, address, and form of identification presented) by the person receiving the property will be noted on the Card and the Card retained by the Office Manager.
e. All inquiries concerning retrievable property will be referred to the intaking officer or Office Manager.
f. After 30 days, items which cannot be reunited with an owner, or the owner cannot be identified, may be destroyed or sold at auction.
g. Unclaimed cash or proceeds from items sold at auction will be deposited in the Town of Crested Butte's General fund.

334.2.4 Personal Property Owner's Notification Card

Completed Personal Property Owner's Notification Cards will be retained per the Department's records retention schedule.

334.3 Mistakenly Retained Items

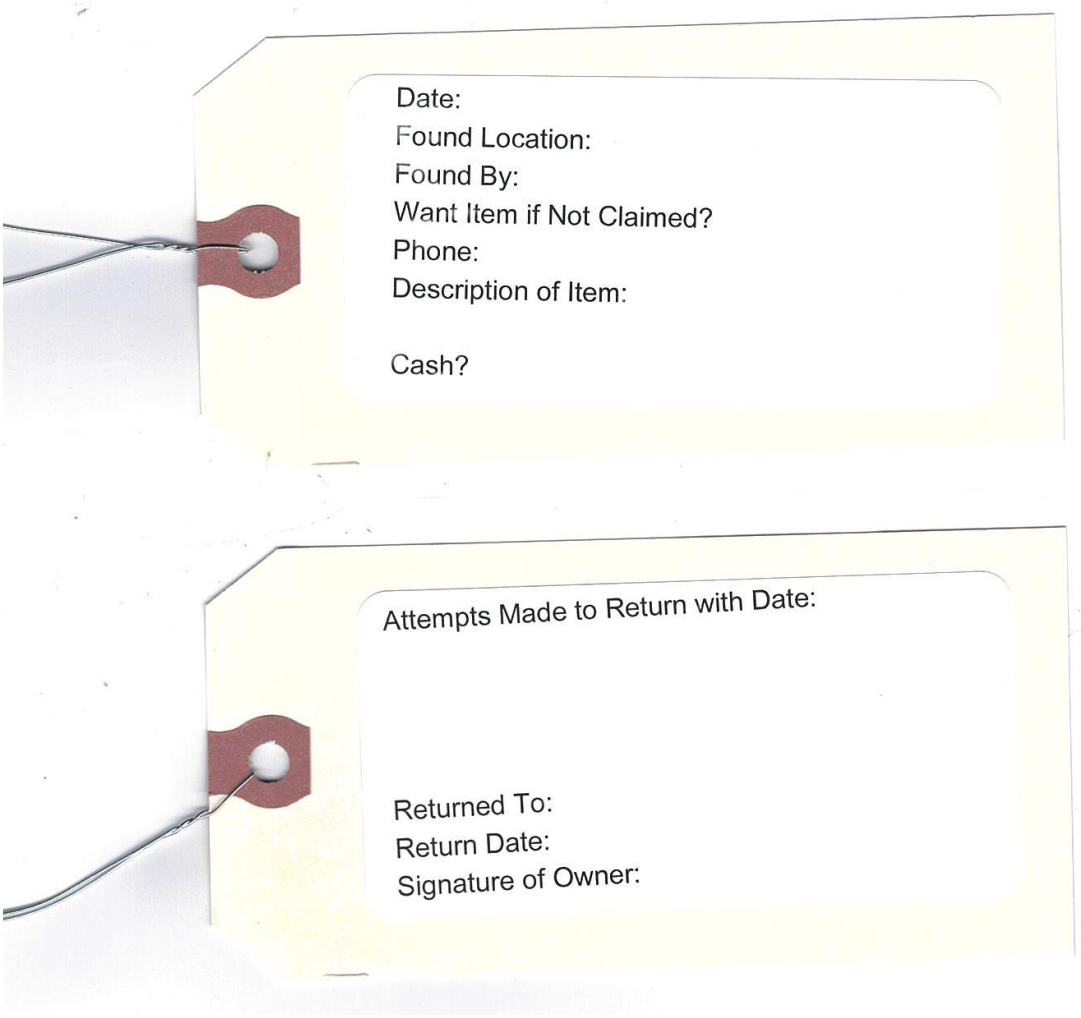
Officers will make every effort to return all forms of identification at the conclusion of any contact. Identification cards, driver licenses, social security cards, credit cards and keys that an officer has found or inadvertently failed to return to the owner(s) must be tagged with a Personal Property Owner's Notification Card with all steps taken to return the items noted on the Card.

334.4 Not Property

a. Counterfeit and/or altered U.S. currency should be mailed directly to the U.S. Secret Service; however, counterfeit currency held for evidence for criminal charges may be secured as evidence.
b. Found license plates that have no evidentiary value, or where a local owner cannot be located will be disposed.
c. Hazardous, flammable, or noxious chemicals will be handled by a Hazardous Material Response Team.
d. Any potentially explosive items, including vehicle air bags, will require notification of a Hazardous Devices/Bomb Squad for handling and disposal. Potentially explosive evidence, including vehicle air bags, will not be stored in Evidence.
e. Post Office Box keys may be returned to the Post Office.
f. Impounded bicycles may be temporarily stored inside or in a locked bike rack at the Marshal's Office until they can be relocated to the Conex box.
g. Discarded or abandoned items (trash, junk, debris) are not property.

Source:
Standard:
Issued: November 21, 2023
Revised:

Appendix: The Card



Chapter 4 Patrol Operations

400 Arrest Warrants

400.1 Purpose and Scope

To establish procedures governing the execution of arrest warrants. 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.

400.2 Processing of Issued Arrest Warrants

400.2.1 Warrants issued by the Crested Butte Municipal Court.

a. A duplicate original of each warrant issued by the Crested Butte Municipal Court is sent to the Marshal's Department by the Municipal Court Clerk.

b. The Marshal's Department marks this warrant with the date and time received, makes a photocopy of the warrant, and enters warrant information into the NCIC\CCIC computer. One copy is sent to the originating officer. The other copy is filed by the Marshal's Department Administrative Assistant. Extradition is statewide for Municipal warrants. The warrant entry confirmation teletype message is attached to the duplicate warrant.

c. The officer's warrant photocopy is clearly annotated by the administrative assistant to the effect "COPY ONLY - DO NOT ARREST WITHOUT CONFIRMING VALIDITY OF WARRANT."

d. No Crested Butte Municipal Court warrant is valid for the purposes of arrest unless a copy of the warrant is on file at the Marshals Office.

e. When an outside agency requests confirmation of a Crested Butte Municipal Court warrant an officer should (barring extraordinary circumstances) without haste, physically confirm if the warrant is, or is not, on file.

f. All completed warrants should be pulled from the file and placed in the Administrative Assistant's inbox with a notation of the arrest/bond event.

400.2.2 Warrants issued by the Gunnison County Court for Town of Crested Butte complaints will be entered into the CJIS system by Gunnison Dispatch or the Court. Misdemeanor warrants filed with the Court Clerk's Office will also include a completed Summons.

400.3 Execution of Arrest Warrants

400.3.1 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 correct person is arrested.

400.3.2 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.

400.3.3 Officers of this department will execute arrest warrants only within the Town of Crested Butte unless engaged in fresh pursuit or operating under their authority as a deputy sheriff if so commissioned.

a. Authority for an officer to make a warrant arrest while in fresh pursuit outside the officer's normal jurisdiction is contained in Section 16-3-106, C.R.S.

b. Officers holding commissions as deputy sheriffs may execute arrest warrants in Gunnison County outside the city if accompanied by a Gunnison County Deputy Sheriff or, unless exigent circumstances dictate otherwise, a Gunnison County Sheriff's Officer has been notified of the intent to execute the warrant. A Sheriff's Officer will be notified as soon as practicable in such cases of exigent circumstances.

c. The Mt. Crested Butte Police Department represents the Gunnison Sheriff's Department in this area.

400.3.4 When an arrest is affected on a Crested Butte Municipal Court warrant, several alternative courses of action may be available. The alternatives are listed below in the order of preference.

a. First, if the municipal court is in session, take the defendant before the court without unnecessary delay.

b. Next, if the defendant is able to post bond and;
   1. the municipal court clerk's office is open for business, take the defendant before the court clerk to post bond.
   2. the municipal court clerk's office is not open for business, take the defendant to the Crested Butte Marshal's Department where the Administrative Assistant or Officer will prepare the bond, complete a "Waiver and Guilty Plea", and issue a receipt for bond monies.

c. Finally, if the defendant is unable to post bond, the officer will transport the prisoner to the Gunnison County Jail for incarceration. The officer preparing the arrest report will obtain copies of the warrant from the active warrant files. A case report will be generated to document the arrest. A copy of the warrant will also be attached to the arrest report for both the jail and this department. A copy of the arrest report form becomes the return for the warrant.
   1. The arrest report will contain the date and time served, name server, to whom process was served or on who executed, method of service and location of service.

400.3.5 When an arrest is affected on a warrant from other than Municipal Court, the defendant will be taken to the Gunnison County Jail. Gunnison Communications will confirm the warrant or ensure it is a proper CJIS warrant.

400.3.6 Responsibility for ensuring 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 or the message withdrawing the warrant from the computer system.

400.4 Extradition

The Chief Marshal is responsible for coordinating extradition and transportation of persons arrested in other jurisdictions. Crested Butte officers or commercial transport services may be used depending on economic feasibility.

Source: CBMO
Standard: N/A
Issued: January 15, 1997
Revised: May 30, 2006

402 Warrantless Arrests

402.1 Purpose and Scope

To establish procedures relating to making an arrest without a warrant. Any arrests effected without a warrant must be in accordance with the statutes and constitutional sections of the State of Colorado pertaining to such arrests.

402.2 Authority to Make an Arrest

Part I of Article 3 to Title 16, C.R.S., and Section 16-19-115, C.R.S., make provisions for when and how an arrest may be affected. The statute sections are accompanied by many annotations covering applicable case law. Section 7 (including annotations) to Article II of the Colorado Constitution is also relevant. This section of the constitution deals with security of person and property - searches - seizures - warrants.

402.3 Searches Incident to Arrest

Provisions covering lawful searches, incident to arrest and otherwise, are covered in Part 3 of Article 3 to Title 16, C.R.S.; Rule 41 of the Colorado Rules of Criminal Procedure; and Section 7 of Article II of the Colorado Constitution, all with numerous annotations.

402.4 Rights of Persons in Custody

Part 4 of Article 3 to Title 16, C.R.S., with annotations on case law, pertains to the rights of persons in custody. Section 16 (with annotations) of Article II of the Colorado Constitution provides additional information with respect to right to counsel in regard to persons in custody.

402.5 Sources with Referenced Information

402.5.1 Colorado Constitution, First Volume of Colorado Revised Statutes.

402.5.2 Parts 1 and 3 of Article 3 to Title 16 and Section 16-19-115, Colorado Revised Statutes.

402.5.3 Rule 41, Colorado Rules of Criminal Procedure, Colorado Revised Statutes.

402.5.4 Colorado Revised Statutes Pertaining to Criminal Law, with Rules of Criminal Procedure, including annotations with case law, published annually by the Colorado District Attorneys Council.

402.5.5 Colorado Peace Officers Legal Source Book, published by the Colorado District Attorneys Council and the Colorado Attorney General.

Source: CBMO
Standard: N/A
Issued: January 15, 1997
Revised:

404 Persons In Crisis

404.1 Purpose and Scope

The purpose of this standard is to provide guidance for responding to or encountering persons experiencing a mental health crisis or suffering from substance abuse. For the purposes of this document, the term person in crisis (PIC) will be used.

Responding to situations involving individuals reasonably believed to be in crisis necessitates an officer to make difficult judgments about the mental state and intent of the individual and necessitates the use of special skills, techniques, and abilities to effectively and appropriately resolve the situation, while minimizing force. The goal is to de-escalate the situation safely for all individuals involved when reasonable and consistent with established safety priorities. Applicable laws shall guide the detention of PIC.

The primary objectives in handling such calls shall be to provide for public safety and to protect parties from injury. Because the behavior of someone in crisis can be unpredictable, officers should exercise caution where danger is perceived. Persons In Crisis should be handled calmly, slowly, and patiently in a manner that is consistent with accepted techniques and guidelines.

This agency will provide ongoing training to determine whether a person's behavior is indicative of a mental health crisis and with guidance, techniques, response options, and resources so that the situation may be resolved in as constructive, safe, and humane a manner as possible.

404.2 DEFINITIONS

M.5 – . Senate Bill 17-207 added section 27-65-105(1)(a)(I.5), C.R.S. that established the Involuntary Transportation for Immediate Screening Hold for a person requiring an evaluation when an imminent danger of harming him or herself or someone else or is "gravely disabled".

M1 – Colorado Statute 27-65-101 Care and Treatment of Persons with Mental Illness authorizes that a person appears mentally ill and in imminent danger of harming him or herself or someone else or is "gravely disabled" is allowed to be taken into custody and transported to an appropriate facility.

Mental Health Crisis - An event or experience in which an individual's normal coping mechanisms are overwhelmed, causing them to have an extreme emotional, physical, mental, and/or behavioral response. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, or nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a "freeze, fight, or flight" response. Any individual can experience a crisis reaction regardless of previous history of mental

illness.

Mental Illness - An impairment of an individual's normal cognitive, emotional, or behavioral functioning, caused by physiological or psychosocial factors. A person may be affected by mental illness if they display an inability to think rationally (e.g., delusions or hallucinations); exercise adequate control over behavior or impulses (e.g., aggressive, suicidal, homicidal, sexual); and/or take reasonable care of their welfare with regard to basic provisions for clothing, food, shelter, or safety.

Mobile Crisis – Mobile Crisis clinicians provide in-person support to Persons In Crisis with behavioral health experts, instead of, or in support of EMS and/or law enforcement, when appropriate, with teams made up of clinicians, case managers, and peer support specialists.

404.3 General

Dispatchers will endeavor to relay as much information as possible to any units responding to a call for service involving a PIC. Lacking an exigent crisis requiring law enforcement intervention, officers should request the response of a Mobile Crisis Clinician to assist with Persons In Crisis.

A sufficient number of officers should respond to violent mental health emergencies to contain, isolate and stop any violence directed at others. Efforts should be made to de-escalate any external violence or potential violence involving an emotionally disturbed person, mental health commitments, welfare checks involving known mental health issues, suicide and attempted suicide while recognizing that de-escalation is a two-way process.

404.4 Procedure

404.4.1 Recognizing Atypical Behavior

Only a trained mental health professional can diagnose mental illness, and even they may sometimes find it difficult to make a diagnosis. Officers are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are potentially indicative of PIC, with special emphasis on those that suggest potential violence and/or danger. The following are generalized signs and symptoms of behavior that may suggest an individual is experiencing a mental health crisis, but each should be evaluated within the context of the entire situation. However, officers should not rule out other potential causes, such as effects of alcohol or psychoactive drugs, temporary emotional disturbances that are situational, or medical conditions.

a. Strong and unrelenting fear of persons, places, or things.
b. Extremely inappropriate behavior for a given context.
c. Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.

d. Memory loss related to such common facts as name or home address, although these may be signs of other physical ailments such as injury, dementia, or Alzheimer's disease.
e. Delusions, defined as the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me").
f. Hallucinations of any of the five senses (e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing things others cannot see).
g. The belief that one suffers from extraordinary physical ailments that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.
h. Obsession with recurrent and uncontrolled thoughts, ideas, and images.
i. Extreme confusion, fright, paranoia, or depression.
j. Feelings of invincibility.

404.4.2 Assessing Risk

Most PIC are not violent and some may present dangerous behavior only under certain circumstances or conditions. Officers may use several indicators to assess whether a PIC represents potential danger to themselves, the officer, or others. These include the following:

a. The availability of any weapons.
b. Threats of harm to self or others or statements by the person that suggest that they are prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
c. A personal history that reflects prior violence under similar or related circumstances. The person's history may already be known to the officer, or family, friends, or neighbors might provide such information.
d. The amount of self-control that the person exhibits, particularly the amount of physical control over emotions such as rage, anger, fright, or agitation. Signs of a lack of self-control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching oneself or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest the individual is close to losing control.
e. Indications of substance use, as these may alter the individual's self-control and negatively influence an officer's capacity to effectively use de-escalation strategies.
f. The volatility of the environment. Agitators that may affect the person or create a particularly combustible environment or incite violence should be taken into account and mitigated. For example, the mere presence of a law enforcement vehicle, an officer in uniform, and/or a weapon may be seen as a threat to a PIC and has the potential to escalate a situation. Standard law

enforcement tactics may need to be modified to accommodate the situation when responding to a PIC.

g. Aggressive behaviors such as advancing on or toward an officer, refusal to follow directions or commands combined with physical posturing, and verbal or nonverbal threats.
h. Failure to exhibit violent or dangerous behavior prior to the arrival of the officer does not guarantee there is no danger.
i. A PIC may rapidly change their presentation from calm and command-responsive to physically active. This change in behavior may come from an external trigger (such as an officer stating "I have to handcuff you now") or from internal stimuli (delusions or hallucinations). A variation in the person's physical presentation does not necessarily mean they will become violent or threatening, but officers should be prepared at all times for a rapid change in behavior.
j. Context is crucial in the accurate assessment of behavior. Officers should take into account the totality of circumstances requiring their presence and overall need for intervention.

404.4.3 Response to PIC

Law enforcement is alerted to PIC situations and should assess available information on the PIC and, when appropriate, speak with acquaintances or family members regarding pertinent past history. Where violent or destructive acts have not occurred, an officer should avoid physical contact and take time to assess the situation requesting professional assistance if it is available to aid in communicating.

If an officer determines an individual is experiencing a mental health crisis and is a potential threat to themselves, the officer, or others, mental health intervention may be required. All necessary measures should be employed to resolve any conflict safely using an appropriate intervention to resolve the issue. The following responses should be considered:

a. Request assistance from individuals with specialized training in dealing with mental illness or crisis situations (e.g., Crisis Intervention Team (CIT) officers, community crisis mental health personnel, crisis negotiator, or police psychologist).
b. Contact and exchange information with a treating clinician or mental health resource for assistance, based on law and statute.1
c. Where possible, gather information on the individual from acquaintances or family members and/or request professional

1 Officers in the United States can provide the HIPAA exemption reference number (45 CFR 164.512(j)(1)(i)(A)) for the clinician's reference, if necessary. This exemption states that it is allowable for a covered entity to disclose protected health information to law enforcement if it "is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public."

assistance, if available and appropriate, to assist in communicating with and calming the individual.

d. Request a backup officer. Always do so in cases where the individual will be taken into custody.
e. Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, lower radio volume, and assume a quiet nonthreatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation. Officers should operate with the understanding that time is an ally and there is no need to rush or force the situation.
f. Create increased distance, if possible, in order to provide additional time to assess options.
g. Utilize environmental controls, such as cover, concealment, and barriers to help manage the volatility of situations.
h. Move slowly and do not excite the individual. Provide reassurance that officers are there to help and that the individual will be provided with appropriate care.
i. Ask the individual's name or by what name they would prefer to be addressed and use that name when talking with the individual.
j. Communicate with the individual in an attempt to determine what is bothering them. If possible, speak slowly and use a low tone of voice. Relate concern for the individual's feelings and allow the individual to express feelings without judgment.
k. Do not threaten the individual with arrest, or make other similar threats or demands, as this may create additional fright, stress, and potential aggression.
l. Avoid topics that may agitate the individual and guide the conversation toward subjects that help bring the situation to a successful conclusion. It is often helpful for officers to apologize for bringing up a subject or topic that triggers the PIC. This apology can often be a bridge to rapport building.
m. Attempt to be truthful with the individual. If the individual becomes aware of a deception, they may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger. In the event an individual is experiencing delusions and/or hallucinations and asks the officer to validate these, statements such as "I am not seeing what you are seeing, but I believe that you are seeing (the hallucination, etc.)" are recommended. Validating and/or participating in the individual's delusion and/or hallucination is not advised.

404.4.3 Referrals to Mental Health Professionals or Taking Custody

Based upon the overall circumstances of the situation, applicable law and statutes, an officer may take one of several courses of action when responding to a PIC.

a. Offer mental health referral information to the individual and/or family members.

b. Assist in accommodating a voluntary admission for the individual.

c. Take the individual into custody and arrange transportation to a mental health facility for an involuntary psychiatric evaluation.

• When circumstances indicate an individual meets the legal requirements for involuntary psychiatric evaluation and should be taken into custody and transported to a mental health facility, or when circumstances indicate that a detention is necessary, the officer should, when possible, request the assistance of crisis intervention specialists to assist in the custody and admission process.

• Officers should be aware that the application or use of restraints may aggravate any aggression being displayed by a PIC.

• In all situations involving a PIC, officers should Continue to use de-escalation techniques and communication skills to avoid escalating the situation. Remove any dangerous weapons from the area. Ensure that the process for petition for involuntary committal has been initiated by the appropriate personnel.

404.4.4

Officers may take mentally disturbed persons or persons suffering from substance abuse into custody under any of the following circumstances:

a. If there is a 72-hour "Mental Health Hold" (commonly known as a M-1) completed by an authorized person under C.R.S. 27-10-105 Emergency Procedure.

b. When any person appears to be mentally ill 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.

c. "Emergency Alcohol Commitments" under C.R.S. 25-1-310 Emergency Commitment. Should be considered a medical emergency and when any person intoxicated or incapacitated by alcohol such person should be treated medically.

d. If the disturbed person voluntarily requests to be evaluated/taken for evaluation.

404.4.5 Documentation

Officers should document the incident, regardless of whether or not the individual is taken into custody. Where the individual is taken into custody or referred to other agencies, officers should detail the reasons why. Ensure that the report is as specific and explicit as possible concerning the circumstances of the incident and the type of behavior that was observed. Terms such as "out of control" or "mentally disturbed" should be replaced with descriptions of the specific behaviors, statements, and actions exhibited by the person. In circumstances when an individual is transported to a facility for a psychiatric evaluation, and the examining clinician requires documentation detailing the circumstances and behavior leading to the transport an officer may provide that information.

404.5 Hold Option Considerations

404.5.1 M.5

The Transportation Hold was created because there was no involuntary option for an individual in a mental health crisis to receive mental health services unless they met 72-Hour Hold criteria (imminent danger to self or others, or gravely disabled). Example: Individual in mental health crisis at the grocery store, but not a danger to self or others, and not committing a crime. Law enforcement's previous options: 1. Individual let go after contact and determination that criteria not met, only to have law enforcement called back again and again; OR, 2. Individual charged with crime when what they really need is behavioral health services.

The M.5 authorizes immediate transport to an outpatient mental health facility that has crisis walk-in capability and provides immediate screenings, or other clinically appropriate facility, for an immediate evaluation for treatment. If such a facility is not available, the PIC may be taken to an emergency medical service facility.

Resource Options Prior to Placing an Involuntary Transportation Hold: The least restrictive means of providing care should always be used; voluntary services should be pursued before involuntary services (Transportation Hold or 72-Hour Hold).

- Persuade the individual to seek mental health services voluntarily at a crisis walk-in center.
- Contact mobile crisis services; they are required to be there in 2 hours or less.
- Access co-responder programs (law enforcement-behavioral health professional partnerships).

The M-0.5 Form is the legal form used to facilitate the Transportation Hold. The M-0.5 Form must be filled out in its entirety and given to the facility and the individual. The Involuntary Transportation Hold expires six hours after it was placed or, upon arrival at a facility with crisis walk-in capabilities receiving the individual for screening.

404.5.2 M1

CRS 27-65-101 authorizes that when a person appears mentally ill and in imminent danger of harming him or herself or someone else or is "gravely disabled" they may be involuntarily taken into custody and transported to an appropriate facility for 72-

hours.

404.6 Initial Assessment to determine if the subject fits one of the above categories and will require transportation to a treatment facility.

404.6.1 The responding officers shall attempt to contain the situation as necessary to provide for the safety of officers, family members, and any bystanders who may be present.

404.6.2 If the mentally disturbed person is suffering from an emergent medical condition or requires special medical attention or care (i.e. attempted suicide calls, shows significant signs of intoxication), officers shall summon EMS to the scene.

404.6.3 Officers transporting subjects to a hospital, detention or treatment facility shall remain with the subject until the subject has been properly admitted and the facility assumes responsibility for the subject.

404.6.4 It should be recognized that Emergency Medical Technicians (EMTs) are not police officers and are not armed. Officers responding to calls with EMTs shall remember they are responding in an assistance capacity and are not equipped to effectively deal with situations requiring specialized training in police control techniques.

404.6.5 If it is necessary for an officer to accompany EMS personnel during the transportation in the rear of the ambulance, that officer shall make sure his/her weapons are secure.

404.7 Mental Health Commitments

An officer who has probable cause to believe any person is likely to harm him/herself or others or is gravely disabled due to mental illness, may take the person into temporary custody and place him/her in a facility designated by the local mental health authority for evaluation and treatment (CRS § 27-65-105).

In addition to certified peace officer, the following persons may apply for an M1 or M.5; 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.

Additionally, a court order, on an affidavit Form M-3, sworn to or affirmed before

a judge may be obtained.

404.7.1 Detention

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.

If the person being temporarily detained for a mental illness evaluation is a juvenile, the juvenile shall be placed in a setting that is non-secure and physically segregated by sight and sound from adults (CRS § 27-65-105(2)(a)).

404.7.2 Transportation

When transporting any individual in custody for a mental illness evaluation, and if reasonably practicable, the handling officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and any special medical care needs of the individual that are reasonably known to the officer.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel.

The officer will escort the patient into the facility and place that person in a designated treatment room, as directed by a staff member.

404.7.3 Restraints

If the patient is violent or potentially violent, the officer will notify the staff. The staff member in charge will have discretion as to whether soft restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

404.7.4 Written Documentation

An officer may complete an M.5 Involuntary Transportation for Emergency Screening or an application for Emergency Admission and provide it to the staff member assigned to that patient. The officer will retain a copy of the emergency admission form for inclusion in the case report.

The officer shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

404.7.5 Securing Of Weapons

If a receiving facility prohibits weapons, or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

404.7.6 Mentally Ill Person Charged With a Crime

Any person charged with a crime who also appears to be mentally ill shall be transported to the authorized county jail facility for criminal confinement and treatment (CRS § 27-65-125).

If the person has injuries or some other medical condition, he/she may be taken directly to the hospital for initial medical treatment. After medical clearance is received, the person may be booked at the authorized county jail facility for criminal confinement and mental illness treatment.

404.7.7 Safekeeping of Firearms and Other Weapons

Whenever a person has been detained or taken into custody for mental illness evaluation and is found to have in his/her possession or under his/her immediate control, any firearm or other deadly weapon, the firearm or other deadly weapon may be confiscated under applicable search and seizure law/legislation or, under an Extreme Risk Protection Order (Section 601 of this manual).

404.8 Training

As part of advanced officer training programs, this agency will endeavor to provide Department approved training on interacting with Persons In Crisis and mental health holds.

Source: Lexipol, LLC 2011,
IACP Model Policy Responding to Persons Experiencing a Mental Health Crisis August 2018.
Standard:
Issued: 5/6/2014
Revised: 7/5/2022

406 Civil Standby

406.1 Purpose

To establish department procedures for civil stand-by for the recovery of personal property.

406.2 Procedure

406.2.1 The recovery of a citizen's personal property in the possession of another is generally a civil matter between two parties. The only legal authority of the police is to prevent a breach of peace or to take action on other criminal activity.

406.2.2 When Officers are requested by a citizen to assist in recovering personal property, the officers should escort the citizen to the location and stand by while the citizen makes their request. If the person in possession of the property refuses to release it, officers should escort the citizen complainant away from the property and advise them that they may initiate further civil action on their own.

406.2.3 If the person in possession of the property agrees to its release, the officers may stand-by for a reasonable time while a reasonable amount of property is removed. The officers must remain neutral in these situations and are not actively participate in the recovery.

406.2.4 No property will be removed without the presence and/or permission of the person having authority and control over the location where the property is being stored.

Source: CBMO
Standard:
Issued: June 9, 1997
Revised:

408 Hazardous Devices and Bomb Threats

408.1 Purpose and Scope

To establish duties of personnel in bomb threat and hazardous device incidents.

408.2 Definitions

Principal: The individual in charge of the threatened business, residence, or public facility, (owner/manager/responsible person).

IED: Improvised Explosive Device

Hazardous Device: Any improvised item(s) which may explode or burn violently, resulting in personal injury or property damage.

H.D.T.: Hazardous Devices Team, Hazardous Device Technician (Bomb Technician)

VBIED: Vehicle Borne Improvised Explosive Device (car/truck bomb)

408.3 Bomb Threat Procedure

408.3.1 The person receiving the threat will make every effort to obtain information, including:

- When is the bomb going to explode?
- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Where are you?
- Who are you? To avoid possible termination of the call, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these prior questions. During this time, document the following:

- Time of the call
- Exact words of the person as accurately as possible
- Estimated age and gender of the caller
- Speech patterns and/or accents
- Background noises

If the threat is received on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Department evidence procedures.

408.3.2 Communications Center will:

a. Instruct the reporting person to have the Principal and the person who received the threat to meet the first officer on the scene outside the building.
   i. The decision to evacuate the building is the responsibility of the Principal.
b. Dispatch one officer who is the incident commander until relieved by a supervisor re: **INCIDENT MANAGEMENT SYSTEM Standard.**
c. Notify a supervisor.
d. Alert the Fire Department to standby at a safe location
e. Alert the EMS crew to standby at a safe location.

408.3.3 The Incident Commander will:

a. Contact and remain with the Principal and witnesses at the Command Post to exchange information and coordinate the response.
b. Instruct other officers to remain clear of the area unless needed for a specific duty at the scene.
c. Ensure that all officers leave their portable radios on, and make only transmissions that are absolutely necessary.
d. Notify the F.B.I. if the threat involves aircraft, federal buildings or land.

408.3.4 Evacuation

a. The Principal is responsible for the decision on whether or not to evacuate the building.
b. Additional police personnel may be called to assist in maintaining order. If the Principal decides to evacuate, the IC will ensure there is a secure perimeter around the evacuated area.
c. The assigned officer may order and initiate an evacuation (partial or total) if it is believed there is imminent danger and the Principal declines to evacuate.

408.3.5 Conducting a Search

a. The IC will ask the Principal to designate employees to do the searching. The IC will instruct the searchers to look for unusual or out of place packages and warn them not to touch any suspicious package.
b. The Marshal's Office may assist in searching public areas including parking lots, building exteriors, waiting rooms, restrooms and stairways.

408.3.6 Procedure if a suspect hazardous device located.

a. The Incident Commander may request:
   1. That the Fire Department and Ambulance move to standby at the safe perimeter.
   2. That a portable X-ray device be used to evaluate the package.
   3. That the nearest available H.D.T. team respond. The **DISASTER**

EMERGENCY MANAGEMENT OPERATIONS MANUAL identifies agencies that might be available and how to contact them.

4. That the F.B.I. be notified if the device is on an aircraft, in a federal building or on federal land.
5. The Chief Marshal will be notified.

b. The IC should:
   1. Ensure that the premise is evacuated and will secure a safe area at least 300 feet in radius around the suspect device.
   2. Make certain the device is not disturbed in any way.
   3. Ensure the safety of persons at the scene pending the neutralization or removal of the device.

408.3.7 Removal of a suspected device.

a. The H.D.T. will determine the best method for resolving the threat. If transportation is called for, the IC may identify the nearest safe area and help arrange transport.
b. The IC may determine route and provide an escort. The escort should: (this is an exception to the **EMERGENCY OPERATIONS OF POLICE VEHICLES Standard.**
   1. Not exceed the posted speed limit.
   2. Use only emergency lights.
   3. Consist of a lead vehicle and a follow-up vehicle.

408.4 If Detonation Occurs

408.4.1 The Communications Center will notify the Fire Department and EMS, if not already on scene.

408.4.2 The Fire Department will:

a. Respond and assume full control of any fire suppression, with Marshal's assisting with scene security.

b. The Marshal's Department investigators and Fire Marshal will conduct a joint investigation.

The investigators will notify the F.B.I. and/or B.A.T.F. in every instance of a bombing or attempted bombing to determine if they have primary or concurrent jurisdiction in the case.

408.5 Outside Agency Assistance

The Gunnison Communications Center will maintain a list of qualified persons available to assist with the handling of hazardous devices or explosives.

408.6 Suspicious Package Procedure, (independent of a bomb threat)

408.6.1 The responding officer should:

a. Secure a safe area around the suspicious package.
b. Notify a supervisor and the chief.
c. Determine if the Fire Department and EMS should be notified to standby at their stations or at the scene.
d. Consider use of the portable X-ray device to evaluate the package.
e. Discuss with a supervisor the decision to request a H.D.T..
f. Notify the F.B.I. if the suspicious package is located on an aircraft, at the airport, in a federal building or on federal land.

408.6.2 Arrival of H.D.T.

a. The H.D.T. will be in control of the package and determine the best course of action. Officers will provide scene security.
b. After being briefed, the H.D.T. will initiate render safe procedures.

408.7 Found Explosives/Suspect Devices

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

a. The device should not be touched or transported to any other location.
b. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
c. A perimeter should be secured for a minimum of 300 feet around the location, or an otherwise safe distance depending on the surrounding physical environment and allowing for an entrance for support personnel.
d. As much initial information as possible should be relayed to the Shift Supervisor without touching the device, including:
    1. The stated threat.
    2. Exact comments.
    3. Time of discovery.
    4. Exact location of the device.
    5. Full description (e.g., size, shape, markings, and construction).
e. Deputies should not transmit on any equipment that produces radio frequency energy within 300 feet.
f. Consideration should be given to the possibility of evacuation if a device is located within a building.
g. An additional perimeter should be secured around any suspected device.
h. Deputies should consider the ingress/egress of additional support personnel, such as paramedics and fire department personnel.
i. A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.

j. Explosive or military ordnance of any type should be handled only by bomb squad technicians.
k. When in doubt, call for assistance from the bomb squad.

408.8 Explosion/Bombing Incidents

When an explosion has occurred, there are multiple considerations that may confront an officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the officer:

- Injury to victims
- Existence of additional or secondary devices
- First aid
- Evacuation of victims

408.8.1 Notifications

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

a. Fire department and/or state fire marshal
b. Bomb squad
c. Additional [officers/deputies]
d. Supervisor
e. Investigators
f. Forensic science services
g. Colorado Bureau of Investigation (CBI)
h. Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)

408.8.2 Scene of Incident and Crowd Control

Scene access should be restricted to those with a legitimate public safety purpose. As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a wide area. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

408.9 Bomb Threats at a Federal Building Or Property

A bomb threat incident at a federal building or property shall be reported to the Federal Protective Service (877.437.7411). The Federal Protective Service will provide a uniformed police response, which may include use of its Explosive Detector Dog Teams.

Source: Lexipol, LLC 2011
Standard:
Issued: 5/6/2014

Revised:

410 Special Response Team Operations

410.1 Purpose and Scope

The purpose of the Crested Butte Marshal's Office Special Response Team (CBMO SRT) Standard Operating Procedures is to ensure a highly trained, highly skilled, police tactical unit to assist the Gunnison Regional Special Response Team (SRT) as a solution to increase the likelihood of de-escalation and safe resolution of high-risk incidents. SRT response to high-risk incidents has been shown to substantially reduce the risk of injury or loss of life to citizens, police officers, and suspects.

The CBMO SRT should develop sufficient resources to perform the 3 basic SRT operational functions:

a. Command and control
b. Containment
c. Entry/Apprehension/Rescue

Training needs may vary based on the experience level of the team personnel, team administrators, and potential incident commanders. Nothing in this policy shall prohibit the team from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

410.1.1 This document contains the basic procedures for managing, training and deploying the CBMO SRT, including personnel selection, training, philosophy and management, equipment, and operational deployment.

410.1.2 The CBMO SRT Standard Operating Procedures will be reviewed on an annual basis by the Chief Marshal or their designee.

410.1.3 Titles used within this specific policy, such as team leader, SRT commander, etc. are for the sole purpose of the SRT policy and procedure and do not in any way indicate any rank or promotion outside of the Special Response Team and its operations.

410.1.4 All appointments and dismissals from the team will be approved by the Chief Marshal.

410.2 Policy/Mission Statement

The mission of the CBMO SRT is to provide a professional law enforcement response to tactical situations fitting the scope of the team's mission and for which they have trained. Additionally, the CBMO SRT will support the Gunnison County Sheriff's Office, and other requesting law enforcement agencies, with a tactical response to regional critical incidents. The team's goal is to improve public safety and domestic

security through training, education, and tactical excellence.

410.2.1 The Gunnison Regional SRT is activated following or in anticipation of a critical incident. Critical incidents consist of, but are not limited to, the following:

a. Hostage Situations: The holding of any person(s) against their will by an armed suspect(s) or a suspect(s) who is believed to be armed.
b. Barricade Situations: A standoff created by an armed or potentially armed suspect in any location, which may or may not contain persons not held against their will, whether fortified or not, who is refusing to comply with law enforcement orders.
c. Sniper Situations: The firing upon citizens and/or law enforcement personnel by an armed suspect, whether stationary or mobile.
d. High-Risk Apprehension: The arrest or apprehension of armed or potentially armed suspects where the likelihood of armed resistance is high.
e. High-Risk Warrant Service: The service of search or arrest warrants where the warrant service matrix recommends or requires the use of the Gunnison Regional SRT.
f. Personal Protection: The security of special persons, such as VIPs, witnesses or suspects, based on the threat, or potential threat, to the well-being of those persons.
g. Special Assignments: Any assignment approved by the Chief Marshal or their designee, based upon a high degree of potential threat.

410.2.2 Management of the SRT will be the responsibility of the Gunnison County Sheriff's Office. The Gunnison County Sheriff's Office will have direct oversight, command, and control of the team.

410.2.3 The CBMO SRT will maintain a current Standard Operations and Procedures Manual (SOP), which governs the selection, training, deployment, and operational philosophy for the team.

410.3 Team Description

The CBMO SRT may consist of a leadership section, breacher, less than lethal operator, negotiator, and a marksman. The organization and standards for each section will be governed by the standard operating procedures. If a Gunnison Regional SRT call-out occurs, any available team member is responsible for responding to the incident location.

410.3.1 Personnel Selection

a. The CBMO SRT will select members through a fair and non-discriminatory process, which measures the applicant's ability to be trained and maintained in the essential tasks deemed necessary for performance in the SRT.
b. The nature of SRT operations requires disciplined, physically fit, and mission-

capable professionals.

c. Personality traits deemed necessary for appointment to the SRT include, but are not limited to, selflessness, self-discipline, personal initiative, decisiveness, responsibility, loyalty, inspires the trust of others, and a team mentality.

d. Physical traits deemed necessary for the appointment to the SRT include, but are not limited to, physical stamina, good motor coordination, proficient shooting skills, and the ability to capably perform while under stress.

e. The selection process will be designed to measure the quality of a candidate against these traits and abilities. The selection process will be as follows:

1. Stage One: Application/Eligibility
   When an announcement is made of an SRT opening, applicants who meet the following criteria may apply:
   a. Full-time, sworn members of the Crested Butte Marshal's Office.
   b. Have a minimum of eighteen months uniform field experience with the Marshal's Office.
   c. Present a letter of interest to a CBMO SRT leader.
   d. Have demonstrated a high degree of proficiency with the patrol rifle and duty pistol.
   e. Have no record of disciplinary action within one year prior to application to the CBMO SRT.
   f. Disciplinary action is defined as action taken by the agency which has resulted in the applicant receiving suspension from duty or time off without pay. Actions which resulted in counseling with employees as per the Crested Butte Marshal's Office disciplinary policy are excluded as part of this policy.
   g. A Deputy not meeting the above requirements may be considered for selection at the discretion of the Chief Marshal.
2. Stage Two: Selection Process
   Applicants who meet the above criteria will be invited to test. Testing will consist of the following events:
   a. A review of the applicants past and present job performance, including but not limited to, firearms familiarity and qualification performance, job knowledge, physical fitness and past call out availability**,** and a team oriented professional.
   b. The applicant will participate in an oral interview. The interview panel will consist of the Chief Marshal and other members of the CBMO SRT.
3. Stage Three: Candidate Selection
   b. After a candidate's credentials and oral board scores have been collected, a preliminary selection will be decided.
   c. The final decision will be left up to CBMO SRT leadership.

410.3.2 Probationary Status

All candidates are on probationary status for one year. The probationary period starts upon the candidate's successful acceptance on the SRT. The candidate may be dismissed from the team without cause at any time during the probationary period, with the Chief Marshal's approval.

410.3.3 Dismissal

a. All team members must maintain adequate levels of performance, based on the individual, squad, team, and leadership skills enumerated in the training manual.
b. All team members must maintain a minimum level of physical fitness. Failure to maintain adequate levels of performance or physical fitness are grounds for dismissal from the team.
c. Any team member may be dismissed when there is a consensus on the part of the Crested Butte Marshal's Office Administration that dismissal of the member is in the best interest of the team and approved by the Chief Marshal.
d. The procedure when a team member fails a performance skill level is immediate prescriptive training followed by a retest. Failure to pass the retest will result in the team member being placed in a non-deployable status until such time as that team member successfully passes a retest.
e. Within 30 days, the team member must bring their skill level up to the minimum performance standard and request a retest. Failure to take or pass a retest may result in dismissal from the team.
f. Any team member who is placed on a medical leave of absence will be placed on non-deployable status. The team member must provide a note from their doctor allowng them to engage as a member of the CBMO SRT.
g. Any team member who is placed in a non-deployable status twice in a one-year period, starting with the date of the first period of non-deployable ability, may be reviewed by the team leadership for dismissal.
h. Any team member who is given time off without pay or suspension due to disciplinary action will be immediately dismissed from the team. Application to return to the team will be accepted following the aforementioned criteria.
i. A negligent discharge by a team member at any time, whether while performing SRT duties or other duties, both on and off shift, will result in the following action.
    1. If the negligent discharge did not impact another person, the team member will be immediately placed in a non-deployable status for 30 days and will receive prescriptive training in the safe handling of weapons.
    2. If the negligent discharge impacted another person, the team member will be immediately dismissed with no possibility of return to the team.
j. Any team member who fails to adequately maintain equipment assigned to them, may be dismissed from the team.
k. Any team member who loses team equipment through negligence will be required to replace the equipment. If the lost equipment is sensitive in nature, such as weapons, explosives or any items that can cause injury, the team member will also be dismissed from the team.

l. Any team member may voluntarily withdraw from the team at any time by giving written notice to the team commander.

410.3.4 Reselection

a. Past SRT team members who have left the team under circumstances involving a leave of absence, voluntary withdrawal, or failure to maintain adequate levels of performance or physical fitness, may reapply to the SRT.
b. Preference for filling an existing opening may be given to past members when a consensus of the team leadership feels it is appropriate. Under these circumstances, past members do not need to go through the applicant process.

410.4 Training Philosophy

The training philosophy for the Crested Butte Marshal's Office SRT will be based on performance-oriented training that facilitates mission accomplishment. The team leadership will create a training schedule that will enumerate individual, squad, team, and leadership tasks.

410.4.1 Training Certification

a. Team leaders will be responsible for conducting training and ensuring training coincides with the training schedule and the mission of the team.
b. A certification list will be compiled and each team member will be qualified by the team leadership at least once per calendar year.
c. Certification will include certification of individuals and the team.
d. Training certification of team member's assigned special equipment, as part of their duties, will occur annually. Only those team members certified to use special items of equipment will be allowed to utilize them during operations.

410.4.2 Training Management

a. All training will be documented through After-Action Reports (AAR). Training records will be completed and will be kept in the team training files.
b. AAR's will be reviewed by team leadership for their impact on training.
c. Training records will contain skills performance records for each individual team member and for the complete team as it relates to each level of task. All training records are available at all times to supervisors or administrators who have a vested interest in the team.
d. Training record requests by others will be dealt with in accordance with CBMO open records policies and applicable laws.

410.4.3 Training Schedules

a. Training schedules will be reviewed every six months. Every year, prior to the writing of a training schedule, the team leadership will meet with the administration and review the training and operational AAR's from the last year.
b. Patterns and trends in training events and operations will identify training needs

and will be used as the basis for the training schedule. The training recordwill identify the training date, time, subject, location, assigned instructor, logistical needs, safety officer assignments, and any other information necessary for the completion of the exercise.

c. Once the schedule is published, assigned instructors will develop the lesson plans. Team leadership will monitor the training preparation by team members and will ensure that all training plans are completed in a timely manner.

410.4.4 Training Safety

a. Safety briefings will occur before all scheduled training events.
b. Individual safety officers will be assigned for all training events and will be clearly identifiable during all training.
c. Safety officers have the right to stop training at any time due to safety concerns. Firearms safety procedures will include frequent inspections of firearms and clearly visible markings which identify that the weapon is cleared. No live ammunition is allowed on a training site, except for live-fire events.

410.5 Equipment

410.5.1 Team Issued Equipment

All items of issued equipment will be documented on an individual property list. The individual officer will sign for the equipment on the list. Team leadership will issue team members with the following items of equipment:

a. Ballistic helmet with harness.
b. Hearing Protection with integrated communications.
c. Tactical gear bag.
d. Gas mask and pouch.
e. Additional tactical equipment as designated by team leadership.
f. Body armor (soft armor and carrier, rifle-rated plates, associated pouches, and holsters)
g. Individual First Aid Kit

410.5.2 Individual Equipment

Individual team members will supply themselves with the following minimum items of individual items of equipment:

a. Gloves.
b. Eye Protection.
c. A minimum of one set of team leadership approved uniform. The SRT team from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.
d. Additional equipment authorized by the CBMO SRT leadership.

410.5.3 Care and Maintenance of Equipment

a. CBMO SRT members to whom any piece of equipment is issued, are responsible for keeping that equipment in mission ready condition at all times. Equipment will be clean, serviceable, in proper working condition, and it will be the responsibility of the team member to regularly inspect that equipment.
b. Equipment that is not working properly will be immediately turned over to team leadership for service or replacement. Failure to keep equipment in proper working condition is grounds for review of the team member, and disciplinary actions may be considered.
c. If equipment is lost, significantly devalued, or fails to function during an operation due to negligence by the team member, the team member may be immediately dismissed from the team and the team member may be financially responsible for the loss of the equipment.
d. At a minimum of once per year, a 100% inventory inspection of all equipment, issued and stored, will be conducted by team leadership under the guidance of the Administration. All equipment will be certified as mission ready. If the equipment fails the inspection, it will be deemed non-deployable until the equipment is fixed and ready for service.

410.5.4 Purposes of Special Equipment

a. Missions of the CBMO SRT are performed in a hazardous environment. It is the intent of the CBMO SRT to utilize items of special equipment to reduce the risk of injury or death to all citizens, officers and suspects involved during the SRT mission.
b. CBMO SRT members assigned special items of equipment will ensure they understand the philosophy behind the item of equipment as well as the purpose for which it is used. The team member will also ensure they know the policy which governs the use or non-use of the item. Team members are permitted to use only those items for which they have been trained and certified.
c. Tactical Entry Firearms: Any agency approved firearm that has been approved in accordance with existing Crested Butte Marshal's Office Policy and Procedure Manual. This includes any modifications, additions, and attachments.
d. Marksman Rifles: .223 and .308 caliber long-barreled firearms.
e. Less-Lethal Impact Projectiles: Approved 12-gauge, and 40 mm munitions.
    1. Defined as munitions which can be fired, launched or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential for causing death.
    2. The use of this ammunition will be in accordance with the CBMO Standard Operations and Procedures Manual Response to Resistance policy governing less-lethal impact projectiles.
f. Flash/Sound Distraction Devices:
    1. Approved devices designed to distract the subject of an entry or other intervention method by team members by overwhelming or diverting their

physical and mental senses. These devices do not normally, under proper use, cause permanent injury or death.

2. The use of these devices will be in accordance with the CBMO Standard Operations and Procedures Manual Response to Resistance policy governing these devices.

g. Specialty Breaching Munitions: 12-gauge frangible breaching ammunition.

1. NOTE: requires CBMO SRT leadership approval for use.
2. These weapons are used to facilitate the breaching of entry points in secured or barricaded areas, where use of normal breaching tools is likely unsuccessful, or in situations where the team leadership determines it is necessary to use these items in the interest of accomplishing the mission.

h. Gas: CS and OC

1. These munitions are used in tactical situations to subdue an individual, force subjects from an area, or deny an area to be used by subjects.

410.6 Command / CBMO SRT Responsibilities

410.6.1 The CBMO SRT adheres to the National Incident Management System (NIMS). Regardless of the regional jurisdiction, the jurisdiction's ranking officer on-scene becomes the Incident Commander (IC), and the GCSO SRT Commander becomes the Tactical Commander.

410.6.2 The GCSO SRT Commander is responsible for deployment, decision-making, and tactical resolution of the incident. The Incident Commander manages the overall incident; the GCSO SRT Commander manages the tactical portion of the incident.

410.6.3 The IC establishes a Command Post (CP) in accordance with Incident Management Systems policy. The GCSO SRT Commander may operate out of a separate Tactical Operations Center (TOC.) The GCSO SRT Commander will ensure adequate liaison occurs with the IC.

410.6.4 The CBMO SRT will take directives and orders from the GCSO Commander while operating under the Tactical Operations Section of ICS once it has been established by the IC.

410.6.5 The CBMO SRT will work directly with other Gunnison Regional SRT members during the operation.

410.7 CBMO SRT Duties and Responsibilities

410.7.1 CBMO TEAM LEADER:

a. Ensures the effective deployment of the team according to the SOP.
b. Liaises with the Gunnison County Dispatch Center to ensure that all available team members have been contacted.

c. Prepares to support the deliberate action entry squad during implementation of the deliberate action plan.
d. Accounts for all squad members and ensures weapons safety by squad members when released from the crisis site.
e. Ensure all members are present for the debrief.
f. Ensures that all pertinent reports are written by squad members.
g. Writes after action report.
h. Once designated as containment/immediate action squad or deliberate action entry squad, task organizes as follows:
    1. Deliberate Action:
        i. Assists the GCSO SRT Commander with the operation plan.
        ii. Gathers any additional equipment necessary to conduct the deliberate action mission.
        iii. Locates rehearsal area and directs rehearsal area preparation.
        iv. Conducts/controls squad movement from the staging area to last point of concealment.
        v. Controls conduct of squad members during mission activities.
    2. Containment/immediate Action:
        i. Develops immediate action plan with GCSO SRT Commander.
        ii. Supervises all containment/immediate action activities.
        iii. Ensures that all squad members have equipment necessary to implement immediate action plan.
i. When needed and available, the CBMO team leader sets up and manages the staging area for the SRT call-out.
j. Assists the commander in preparing and briefing the tactical plan on an SRT call-out.
k. Coordinates all SRT members operating in a support role based on the tactical plan.
l. Ensures that all team equipment is accounted for and maintained properly by appropriate team members.
m. Acts as the GCSO SRT Commander in the commander's absence.
n. Administers team physical fitness tests.

410.7.2. ENTRY SQUAD LEADER: The entry squad leader controls the actual performance of their entry squad during the operation. This position may or may not be assigned based on personnel. If not assigned, the following duties and responsibilities may be assigned to a team leader/team commander.

a. Assists the Regional team leader/GCSO SRT Commander in the tactical

planning process.

b. Ensures containment is complete when squad is assigned as containment/immediate action squad on scene.
c. Locates and arranges preparation of rehearsal area when assigned as deliberate action squad.
d. Ensures that entry-team members are properly equipped for the specific mission.
e. Ensures that all team equipment is properly cared for and accounted for by holding regular inspections.
f. Approves assigned Scout documentation prior to submission to the team leader for use in tactical planning.
g. Deploys scout teams upon order from the Regional Team Leader.
h. Submits training needs to the Regional team leader for consideration and inclusion in the training plan/schedule.
i. Ensures mission readiness of team members at all times.
j. Acts as the Regional team leader in his/her absence; acts as GCSO SRT Commander in absence of both.

410.7.3 MARKSMEN SQUAD LEADER: Team member trained as a marksman/observer. All members of this squad are equally capable of long and short-range target interdiction.

a. Engages selected targets when authorized to do so by the GCSO SRT Commander.
b. Deploys in accordance with mission directives.
c. Provides timely information of on-scene activity.
d. Assists in scouting assignments as directed by the Regional Team Leader/GCSO SRT Commander.
e. Ensures all necessary equipment is accounted for and in good condition.
f. Submits training needs to the Regional team leader for consideration and inclusion in the training plan/schedule.
g. Ensures mission readiness at all times.

410.7.4 NEGOTIATORS: Team member will be trained as a negotiator.

a. Provide support for the Crisis Negotiations Section during an operation when directed to do so.
b. Will assist in the development of strategies for the mission and assist in the decision-making process.

410.7.5 NEIGHBORHOOD INFORMATION LIAISON (NIL)

The Incident Commander should consider adding a Neighborhood Information Liaison to response team operations. The concept behind utilizing an NIL is to reduce anxiety or potential interference with an operation which might cause officers involved in an operation to divert their attention from the hazard they came to address. It is understandable neighbors may be unaware of police presence in an area and may not understand need for police tactics, techniques procedures or equipment. Team

members tasked with other assignments, operations leaders, and even the Incident Commander should not divert their attention to discuss activities with neighbors or passersby. Assigning a NIL provides a limited public information source for those directly affected by operations to help address their immediate safety/information concerns.

The NIL should work with any assigned investigators to conduct pre-response identification of residences neighboring the incident/crisis location to identify:
a. addresses, names, phone numbers, at-risk/hazards in/for those occupancies
b. connectedness to the target location (conspirator, associate, potential IC Post/safe refuge, surveillance location)
c. pre-plan 'Reverse 911' messaging (landline or cell phones)

During the crisis, information obtained regarding the neighbors can also be used to:
a. make the neighbors aware of our legal presence (in person, messaging)
b. the nature of the crisis/danger
c. assist in making shelter in place or evacuation notifications for zones and phones to be sent contemporaneous with operations to say, "There is police activity in the area of xx, please stay away from that location/shelter in place/evacuate, etc." A phone number or website to contact for more information could also be provided.

410.8 Operational Deployment Philosophy

410.8.1 NTOA Safety Priorities:

a. The following shall be the priorities of life during an SRT operation:
   1. Hostages/Victims
   2. Innocent bystanders/The Public
   3. Public Safety Personnel/SWAT/EMS
   4. Hostage Taker/Suspects.

410.8.2 The life of a hostage taker/suspect will not take precedence over the life of hostages, civilians in the involved area, or law enforcement officers, regardless of the state of negotiations or any other activity designed to take the hostage taker/suspect into custody.

410.8.3 In hostage or barricade operations, negotiations will be attempted to resolve the incident. However, the Gunnison Regional SRT Team will also be prepared, throughout the operation, to execute a tactical option should it become the better course of action.

410.8.4 The life safety of a hostage taker/suspect should be a focal point for tactical responses.

410.9 Procedure for Activating the Special Response Team

410.9.1 When an SRT activation occurs, an on-duty team member will

notify a supervisor and cover their work shift before leaving their post. Members of this agency who are assigned to the team, become subordinate to the GCSO SRT Commander until the GCSO SRT Commander determines the activation is over.

410.9.2 Any officer with the Marshal's Office who determines an incident would benefit from Gunnison Regional SRT activation, shall contact the Gunnison County Regional Dispatch Center, requesting the GCSO SRT Commander be notified of a potential activation.

410.9.3 The CBMO officer requesting the Gunnison Regional SRT activation must contact the Chief Marshal and/or supervisor to make them aware of the activation. The officer must provide details for the purpose of the Gunnison Regional SRT activation.

410.9.4 Once a GCSO supervisor collects the necessary information, they decide whether the Gunnison SRT should be deployed, and an SRT activation will commence.

410.10 Call Out Response Procedures

410.10.1 The GCSO SRT Commander shall notify the Gunnison County Regional Dispatch Center requesting the Gunnison Regional SRT members be contacted via test message and/or Ready-Op.

410.10.2 The initial message from Dispatch will include the Command Post location and staging instructions, any special equipment needed, and any special instructions to Gunnison Regional SRT members.

410.10.3 CBMO SRT members receiving the text message over cellular telephone will immediately contact the dispatch center by text message and acknowledge receipt of the message.

410.10.4 CBMO SRT members shall keep issued equipment in their patrol vehicles at all times while on patrol. They are to dress out where it is tactically safe

410.10.5 The GCSO SRT Commander will make a tentative plan based on the initial information and begin formulating a plan of action.

410.11 Tactical Leadership Concept

Squad Assignments and Purposes will be established as Gunnison Regional SRT members begin to arrive on scene.

410.11.1 Marksman Squad:

a. The Markman Squad are designated SRT members selected, trained, and equipped to work as an element of the Gunnison Regional SRT in the resolution of critical incidents by providing observation, force protection, intelligence gathering, and the employment of precision shooting.

410.11.2 Deliberate Action Squad:

a. The Deliberate Action Squad is responsible for the planning and development of the deliberate action plan, providing tactical expertise, rehearsal of main plan and any contingencies. The Deliberate Action Squad will also support the Containment/Immediate Action Squad if there are any sudden or unanticipated actions by the suspect(s).

410.11.3 Containment/Immediate Action Squad:

a. The primary purpose is to be prepared for any sudden or unanticipated actions by the suspect(s) and to support the Deliberate Action Squad if the deliberate action plan is implemented. The Containment/Immediate Action Squad will also be responsible for gathering information and reporting this information to command.

410.11.4 Less-Lethal Squad:

a. The Less-Lethal Squad is responsible for the deployment of less-lethal devices. This includes assisting in the planning and development of gas plans, providing tactical expertise and any contingencies. The Less-Lethal Squad will also support other squads for the benefit of the mission.

410.11.5 Negotiations:

a. The Gunnison Regional SRT will support negotiations and ensure teamwork with the Crisis Negotiation Section.
b. A negotiation strategy will be developed for each specific event. Negotiators will be involved in developing a negotiation strategy and understanding the decision-making process.

c. In order to more effectively assess an incident and develop appropriate plans, the Gunnison Regional SRT will try to use technology to enhance decision-making processes. When feasible, audio/video recovery techniques and devices may be used to supplement negotiations and intelligence processes.

410.12 Fire and Medical Support

410.12.1 Whenever the SRT is deployed, the Emergency Medical Services (EMS) will be notified and asked to stage at the station or at a safe location near the scene.

410.12.2 The Fire Department will be notified and asked to stage for any

SRT activity that involves the use of chemical, incendiary, or explosive device.

410.13 Response to Resistance

410.13.1 The CBMO Standard Operations and Procedures manual will be the governing document for all response to resistance investigations, regardless of which agency the member of the team is from if the incident occurred while assisting a requesting agency.

410.13.2 If the use of officer involved deadly force, or serious bodily injury occurs, the 7th Judicial District Attorney, and the Critical Incident Investigative Team (CIIT) will be informed immediately.

410.13.3 The CBMO SRT will meet all response to resistance reporting requirements as defined in the response to resistance section of the CBMO Standard Operations and Procedures Manual. It will be the responsibility of the appropriate team leader to meet all investigative and reporting requirements.

Source: Gunnison County Sheriff's Office, NTOA, RMTTA, CBMO
Standard:
Issued: 2/23/2003
Revised: 5/6/2014, 7/27/2023, 8/12/2024

411 Hostages and Barricaded Persons

411.1 Purpose and Scope

Hostage situations and barricaded persons present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

Hostage situations present a unique problem for police personnel. Therefore, several additional policy items are imposed:

411.1.1 The Chief or highest ranking officer available per the Department's **200 Organization Responsibility and Structure Standard**, will be the IC.

411.1.2 Hostage takers will not be given transportation or permitted to move from the original location if within the ability of the police to prevent. The limited resources available do not permit coverage of a moving scene.

411.1.3 Every effort should be made to control utilities and telephone service.

411.1.4 The IC may authorize negotiations for hostages, food, non-alcoholic beverages, and communication with specific individuals.

411.2 DEFINITIONS

Hostage A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

Barricaded person A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded person may be armed or suspected of being armed.

411.3 Barricaded Person Negotiations

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded persons. Trained crisis negotiators, however, will be permitted to exercise flexibility in each situation, consistent with their training and based upon the circumstances presented.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by the Use of Force Policy with due regard for the safety of hostages.

411.4 First Responder Responsibilities

Upon determining that a hostage/barricaded person situation exists, the first responder shall immediately request that a supervisor respond and shall provide the supervisor with an overview of the situation. If a supervisor is unavailable, the first responder shall assume the duties of the supervisor.
Until the supervisor arrives, the first deputy on the scene of an actual or potential hostage/barricade situation shall, if practicable:

a. Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained crisis negotiation personnel.
b. Evacuate and provide medical treatment to the injured if they can be reached.
c. Determine the immediate threat area.
d. Provide responding emergency personnel with a safe arrival route to the location.
e. Establish an inner and outer perimeter.
f. Establish a Command Post location.
g. Evacuate bystanders, residents and businesses.
h. Notify tactical and crisis negotiation personnel.
i. Notify appropriate persons within and outside the agency, such as command officers, dog handlers or helicopter pilots.
j. Request ambulance, rescue, fire and surveillance equipment as needed.
k. Establish a primary reaction team prior to SWAT arrival. The team actions may include:
    1. Securing any subject or suspect who may surrender.
    2. Taking action to mitigate a deadly threat or behavior.
l. Coordinate pursuit/surveillance vehicles and control of travel routes.

411.5 Supervisor Responsibilities

a. Upon being notified that a hostage/barricaded person situation exists, the supervisor shall immediately respond to the scene. Upon arrival, the supervisor shall:
    1. Rapidly evaluate and assess the situation, including being briefed by the initial responders.
    2. Assume the role of Incident Commander and retain this role until relieved.
    3. Assume and complete any outstanding first responder responsibilities and designate assistants as required.
    4. Authorize news media access and news media policy.
b. The supervisor or Shift Supervisor should advise the SRT supervisor with as much of the following information as is available at the time:
    1. The number of persons, known weapons and resources
    2. If the person is in control of hostages
    3. If the person is barricaded
    4. The type of crime involved

5. If the person has threatened or attempted suicide
6. The location of the Command Post and a safe approach path
7. The extent of any perimeter and the number of officers involved
8. Any other important facts critical to the immediate situation and whether the person has refused an order to surrender

411.6 On scene Command Responsibilities

Upon arrival of the Special Response Team at the scene, the Incident Commander shall brief the SRT team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SRT commander, whether to deploy the Special Response Team. Once the Incident Commander authorizes deployment, the SRT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the Command Post operation, outer perimeter security and support for the Special Response Team. The Incident Commander and the SRT commander or the authorized designee shall maintain communications at all times.

411.7 Telephone Communications

In an emergency where it is believed that an armed and barricaded suspect or a person holding a hostage is committing a crime, the supervisor may order a designated telephone company security official to cut or otherwise control telephone lines to prevent telephone communication by the armed suspect or the hostage holder with a person other than a peace officer or person authorized by law enforcement (CRS § 18-9-312).

411.8 Reporting

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

Source: CBMO; Lexipol, LLC 2011
Standard:
Issued: 5/6/2014
Revised:

412 Special Events

412.1 Purpose and Scope

Special events create unusual problems for the Marshal's Office, especially in the area of traffic control. Vehicular and pedestrian congestion problems become more complex, emergency situations are more likely to occur, and the safety of those attending or participating in the special event becomes a more critical problem. In meeting these needs the following procedure will be utilized:

412.2 Assigned Officer

Upon learning of a special event, the Chief will normally assign an officer to participate in the civilian planning of the event. Other officers may be assigned to coordinate other responsibilities associated with the event.

412.3 Planning

The assigned officer will be responsible for planning the traffic control, security and/or crowd control, and parking.

412.4 Factors

The time, location, anticipated attendance and crowd type shall be determined.

412.4.1 If the event is a parade, the route will be determined and coordinated with other public service and transportation agencies to provide an opportunity in adjusting normal schedules of service. The Gunnison Communications Center will also be advised prior to the event of any pertinent street closures to notify the appropriate agencies.

412.4.2 Provide for adequate emergency service access to the scene of the event, including fire and ambulance services, as warranted.

412.4.3. Determine the need for a police vehicle to lead and/or follow the procession.

412.4.4 Adequate publicity may be provided for any changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route to inform the general public.

412.4.5 The traffic flow plan for the event should allow for ingress and egress of vehicles and pedestrians, provide adequate parking, provide alternate routes for through traffic, and identify the need for temporary traffic controls and parking restrictions.

412.4.6 If the event is a concert, advance notice, location and anticipated crowds to allow for scheduling of appropriate manpower. The concert promoters will be made aware that the Crested Butte Marshal's Department and the Fire Command Officer have final say in all issues of security and safety for special events in the town limits.

Source: CBMO
Standard: CACP 150.1
Issued: January 15, 1997
Revised:

414 Civil Disturbance

414.1 Purpose and Scope

This guideline is to establish procedures for dealing effectively with crowds engaged in or posing a significant threat of violence, property damage or breaches of the peace. Riots and other civil disorder situations such as violent or potentially violent protests, unruly and destructive crowds are significant in their effects on personal safety and damage to private and public property.

The manner in which law enforcement officers deal with unruly crowds and illegal gatherings has direct bearing on their ability to control and defuse the incident and contain property damage, injury or loss of life. Officers confronting civil disturbances and those called upon to assist in these incidents shall follow the procedures of containment, evacuation, communication, use of force and command and control.

414.2 Definitions

Civil Disturbance/Riot: [18-9-101(2)] A public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs the performance of any governmental function.

Engaging in a riot: [18-9-104] A person commits an offense if he or she engages in a riot.

Inciting a Riot: [18-9-102] Incites or urges a group of five or more persons to engage in a current or impending riot; or gives commands, instructions, or signals to a group of five or more persons in furtherance of a riot.

414.3 Preparedness

414.3.1 The Marshal's Office should make attempts to learn of unlawful gatherings or lawful gatherings with a propensity to turn out unruly. These events should be legally monitored and appropriate manpower decisions made to regulate the crowd's unlawful activities. **Nothing contained in this document should be construed as authorization to violate civil or constitutional rights.**

414.4.2 The first officer on-scene should observe the situation from a safe distance and determine if the event is a current or impending riot.

414.4.3 Notify Gunnison Dispatch of the nature and seriousness of the disturbance, particularly the availability of weapons.

414.4.4 Notify the Chief Marshal or his designee.

414.4.5 Consider placing EMS and/or Fire on standby or having them stage for a timely response.

414.5 Response

414.5.1 Every effort should be made to quell the riot before it begins. Identify obvious leaders or instigators and advise them of the consequences for their actions. Be decisive in demands that public safety and order will be maintained or they will be held accountable.

414.5.2 In the case of an unorganized mob, attempt to identify the key instigators.

414.5.3 The standard response to civil disorder is to utilize extensive manpower and riot control equipment to overcome the disobedience. The local shortage of manpower to overcome even a medium sized gathering of rioters is defining of the proposed response.

414.5.4 To minimize the potential danger to the general public and to all involved in the incident, responders should swiftly and safely rescue Innocents and protect property to the best of their resources.

414.5.5 The crowd should be informed with a loud, clear (PA) order to the effect that, "By the order of the Crested Butte Marshal's Office this gathering and your conduct is illegal. Our aim is to resolve this peacefully so you must leave the area immediately. If you do not disperse now we may use force to disperse your illegal gathering and cannot guarantee your safety". Give this order several times to allow time for compliance.

414.5.6 When local and mutual aid resources are available, consider the use of "Dispersion Teams" to dissolve the unlawful gathering by targeting the agitators and aggressors. Generally when these people have been removed from the situation the others gathered will disperse.

414.5.7 Designate contact and arrest teams. Designate cover teams with appropriate less-lethal and lethal force options.

414.5.8 If the incident is beyond the capabilities of local responding officers the IC should request mutual aid and/or Colorado State Patrol's SORT team for assistance.

414.5.9 Establish a secure staging area for manpower and supplies.

414.5.10 If possible, video record the event before, during and after. This will aid in identifying persons for later prosecution and to document their actions and the reactions of police.

414.5.11 First responders should attempt to isolate the affected area as much as possible.

414.5.12 EMS /Fire should stand-by at a safe location.

414.5.13 The Department's Use of Force and Use of Deadly Force polices shall be followed in conducting this plan.

414.6 Containment and Dialogue

414.6.1 Establish contact with the crowd leaders to assess their intentions and motivation and develop a trust relationship; and

414.6.2 Communicate to the participants that their assembly is in violation of the law and will not be tolerated. That the department wishes to resolve the incident peacefully and that acts of violence will be dealt with swiftly and decisively.

414.7 Physical Arrest

414.7.1 When appropriate the IC may order the arrest of crowd leaders, agitators or others engaged in unlawful conduct.

414.7.2 Ensure availability of transportation for arrestees.

414.8 Less-Lethal Force

If cause exists to use force options to control or disperse the rioters the appropriate force may be used to accomplish that end. In doing so, the on-scene commander shall ensure that;

414.8.1 A clear path of escape is available for those who wish to flee the area.

414.8.2 All uses of force must be in compliance with the Department's Use of Force policy.

414.8.3 The use of chemical agents or impact projectiles should be controlled and coordinated.

414.9 Command Responsibilities

414.9.1 Strict accountability should be maintained for deployed personnel and assets. Chain of command and regular status checks will be verified by the Incident Commander.

414.9.2 The Incident Commander will ensure deployed assets are properly equipped for the conditions to be encountered.

414.9.3 An after-action report and debrief shall be conducted.

414.9.4 Officer, witness, suspect and other interviews will be conducted and a written report will be made by the Incident Commander detailing the incident and any uses of force.

Source: CBMO
Standard: N/A
Issued: 5/6/2014
Revised:

416 Diplomatic and Consular Contacts

416.1 Purpose and Scope

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the
United States is obligated to notify can be found on the U.S. Department of State (DOS) website, http://www.travel.state.gov.

416.1.1 Definitions related to this policy include:

Foreign national Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

Immunity Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

416.2 Arrest or Detention of Foreign Nationals

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

416.3 Levels of Immunity

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

416.3.1 Diplomatic Agents

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

416.3.2 Consular Officers

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. These official acts of immunity must be raised as an affirmative defense in the court jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

416.3.3 Honorary Consuls

Honorary consuls are part time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

416.4 Identification

All diplomatic and consular personnel who are entitled to immunity are registered and issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the DOS identification card, Foreign Service personnel should have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which in

most circumstances replaces the operator's license issued by the state (22 USC § 254 and 22 USC § 4301).

416.4.1 Vehicle Registration

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have Colorado license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the deputy has reason to question the legitimate possession of the license plate.

416.5 Enforcement Procedures

The following procedures provide a guideline for handling enforcement of foreign nationals.

416.5.1 Citable Offenses

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing deputy:

a. Identification documents are to be requested of the claimant.
b. The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.
c. Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.
d. Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.
e. Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.
f. All other claimants are subject to the provisions of policy and procedures outlined here.

g. The violator shall be provided with the appropriate copy of the notice to appear.

416.5.2 In-Custody Arrests

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy. A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

a. An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued:
Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3 3/4 inch by 1 1/2 inch and contain a photograph of the bearer.

b. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Department personnel should use the following numbers in order of preference:

Office of Foreign Missions
Chicago, IL
(312) 353-5762
(080-01645 CST)

Office of Foreign Missions
Diplomatic Motor Vehicle Office
Washington D.C.
(202) 895-3521(Driver's License Verification) or
(202) 895-3532 (Registration Verification)
(202) 895-3533 FAX
(0815-1700 EST)

Department of State
Diplomatic Security Service Command Center
Washington D.C.
(202) 647-7277

(202) 647-1512 (Available 24 hours)
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Colorado Consular Corps, local law enforcement agencies, the foreign embassy or consulate, a driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest Investigation Report, and/or any other relevant report form.

Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The deputy shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security, OFM of the DOS, a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Department.

416.6 Traffic Collisions

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Accident Report. The actual driver's license class (e.g., 1, 2, 3, or A, B, C, M)

shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in this policy.

416.6.1 Vehicles

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

416.6.2 Reports

A photocopy of each Traffic Accident Report involving an identified diplomat and/or immunity claimant shall be forwarded to the Chief within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Shift Supervisor/supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating officer, along with any supervisor's notes, materials and/or logs, to the Chief within 48 hours of the incident. The Chief will check to ensure the notification of DOS and all necessary follow up occurs.

416.7 Foreign Nationals Who Do Not Claim Immunity

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity. Officers shall arrest foreign nationals only under the following circumstances:

a. There is a valid warrant issued for the person's arrest.
b. There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.
c. Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that

undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the deputy shall begin the notification process.

416.7.1 Arrest Procedure

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship. If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the deputy shall contact the Communications Center as soon as practicable and request the appropriate embassy/consulate be notified. Deputies shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of the individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24hour Telephone number of the place of detention, if the place of detention is different from the Office itself.

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the DOS website, http://www.travel.state.gov.

416.7.2 Notification of Immigration And Customs Enforcement

A deputy who has probable cause to believe that an arrestee is not legally present in the United States shall report such arrestee to ICE if the arrestee is not being held at a detention facility. If the arrestee is held at a detention facility,

the arresting officer shall promptly notify the receiving officials when the arrestee is suspected of not being legally present in the United States (CRS § 29-29-103(2)(a)(I)).

Deputies are not required to make the above report to ICE when the person was arrested for domestic violence as defined by CRS § 18-6-800.3 (CRS § 29-29-103(2)(a)(II)).

416.7.3 Documentation

Officers shall document in the narrative of the appropriate arrest or investigation report the date and time the Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

416.7. Reporting

The Crested Butte Marshal's Office shall annually report to the legislative council of the general assembly on or before March 1 of each year the number of arrests reported to ICE (CRS § 29-29-103(b)).

Source: Lexipol, LLC 2011
Standard:
Issued: 5/6/2014
Revised:

418 Ride-Along Program

418.1 Purpose of Program

Unlike many jobs in today's society, the duties of a police officer are not easily described to persons outside the profession. Therefore, the purpose of allowing citizens to ride with officers is to add to the public's knowledge and understanding of the problems and complexities of law enforcement.

418.2 Rules

Police work has, by its very nature, some inherent dangers. The following rules must be strictly observed to help assure the safety of the rider and the officer, and to assure the unimpeded delivery of police service to the community.

418.2.1 A signed application/release form is required before a civilian rider may participate.

418.2.2 The minimum age for the Ride-Along program is 18 years of age with the exception of Law Enforcement Explorers and one ride allowed for prospective Explorers meeting the criteria for inclusion with that program. A parent/guardian signature approving of the Ride-Along is required for persons under 18 years of age.

418.2.3 Supervisors or the host officer may terminate Ride-Alongs without notice in response to changing demands for police service.

418.2.4 The rider is an observer only; he/she may not participate in police activities. Further, the rider is to immediately follow the host officer's instructions at all times. Officers shall not permit the rider into any premises or to leave the police vehicle when there is any apparent danger. Riders should be shown how to use the car radio in case of a life threatening emergency.

418.2.5 The following exemptions are authorized:

a. Persons participating in a structured police intern program need one application/release form and may ride *one time per week* for the duration of the program at the discretion of the shift supervisor.
b. The spouse of an officer may complete an open ended release.
c. To ensure that Explorers partake in all activities of the Post, and to provide an equal opportunity for all members, Explorers will be limited to participating in the Ride-Along program based on the number of hours expended on other Post activities. Upon accruing eight hours of time involved in Post meetings, training, competition or other approved activities, an Explorer can spend an equal amount of time participating in the Ride-Along program. The Post Advisor, or his

designee, can make an exception to this policy as needed. Further direction can be found for Law Enforcement Explorers under section 422 of this manual.

418.3 Procedures

418.3.1 Persons desiring to participate in the Ride-Along program should notify the department at least 24 hours in advance.

418.3.2 A liability release form and waiver must be completed and a records check made prior to the ride.

a. Persons with a record of felony or serious misdemeanor convictions will only be allowed to Ride-Along with the Chief Marshal's written permission.

b. Persons with an outstanding arrest warrant will be denied a ride and may be arrested.

418.3.3 The completed and processed form will be given to the appropriate supervisor for scheduling.

418.3.4 When an Officer has a rider he/she will advise Gunnison Communications of the beginning and end of the ride.

418.3.5 Officers will drop riders at a safe location or direct their actions so as to remove them from any potentially dangerous situation. The officer will advise Communications of the location for any rider dropped off in an emergency.

418.3.6 Off duty Police Officers from another jurisdiction may carry their duty weapon, badge and Police ID during the ride-along. The off duty officer will not take part in any police action unless instructed by the host officer.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised: February 23, 2003, 5/6/2014, 11/18/15

420 Animal Control Procedures

420.1 Purpose and Scope

The purpose of this policy is to establish guidelines for Community Services Officers (CSO) and Crested Butte Marshal's Office personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

420.1.1 CSO Training

CSOs shall successfully complete the required basic and continuing education animal control courses as approved by the Department or required by local or state authorities.

420.1.2 POST Required Training

Each new employee will receive a minimum of three hours of training in the following:

a. The identification and meaning of common canine behaviors, and how to differentiate between dogs who are exhibiting aggressive behavior that puts law enforcement officers or other persons in imminent danger from dogs that are exhibiting other behaviors (protective, friendly, excessive barking, etc.)
b. Alternatives to lethal force against dogs
c. What defines a reasonable opportunity for a dog owner to control or remove the dog from the area
d. How to evaluate the totality of the circumstances and be able to safely and appropriately react to a situation involving a potential dog interaction.

420.1.3 Training Guidelines

The Marshal's Office requires every certified officer to view and participate in the three-hour video produced by the Dog Protection Task Force. Current employees will receive the training at in-service training prior to Jan. 1, 2015. All new recruits and future employees will receive the training during PTO if they have not completed it in a Colorado POST Academy. A satisfactory completion of the course and certificate of training is mandatory. Notice of completed trainings may be sent to the POST board, in accordance with current POST policy.

420.2 Community Services Officer Responsibilities

CSOs shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy. Specifically the CSO is assigned the tasks necessary for the day-to-day responsibilities including, but not limited to, those identified under the Colorado Animal Protection Act (CRS § 35-42-101, et seq.).

CSOs shall be under the operational control of Patrol and assigned working hours as directed by the Chief Marshal. During hours when a CSO is on duty, requests

for animal control services shall be assigned to the CSO. Requests for assistance by a CSO shall be acknowledged and responded to promptly.

420.3 Officer Responsibilities

During hours when no CSO is on duty, or if a CSO is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation:

a. When there is a threat to public safety
b. When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury
c. When an animal is creating a traffic hazard
d. When the owner/handler has been arrested and there is no other alternative placement for the animal
e. When an animal is gravely injured

420.3.1 Animal Cruelty Complaints

Officers shall conduct an investigation on all reports of animal cruelty. Officers shall not hesitate to take any immediate actions deemed necessary to prevent the perpetration of any act of cruelty to animals in his/her presence and may use such force as is necessary to prevent the crime.

The assistance of a Community Services Officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case.

420.3.2 Stray Animals

If an animal has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the Paradise Animal Welfare Society animal shelter, making sure the animal has food, water and bedding.

420.3.3 Animal Bites to Humans

Officers shall obtain as much information as possible to conduct a thorough investigation. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property per state statute. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

If a biting dog has been killed in order to prevent further injury or death, the local board of health shall be notified of the facts related to the bite and the killing, and the body of the dog shall be held for release to the board of health (6 CCR 10091:1).

420.3.4 Public Nuisance Calls Relating To Animals

Officers shall obtain and forward to the CSO as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of the problem. Officers will also document any actions taken; citation issued and related report numbers. In the event responding deputies cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, a CSO may be called.

420.4 Deceased Animals

Deceased animals on public property will be removed and properly disposed of. Officers will remove deceased animals when a CSO is not on duty.

a. For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing them in a vehicle. Large animals should be double-bagged, out of public view.
b. Neither a CSO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

420.5 Injured Animals

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below:

a. During normal business hours, the animal should be taken to an authorized veterinary care clinic.
b. If it is after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.
c. The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.
d. When it is necessary to dispatch a seriously injured or dangerous animal, the Firearm Discharge Policy shall be followed.
    1. A deputy may euthanize an animal when, in his/her judgment and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by the written certificate of two persons called to view the animal (CRS § 35-42-110).
    2. Injured wildlife may be euthanized whenever a deputy determines no other reasonable action would be practical, humane or effective for the rehabilitation of the wildlife (2 CCR 40614:1405).

e. Injured or deceased wildlife should be referred to the appropriate agency as listed by the Colorado Division of Wildlife.
f. When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.
g. Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If a CSO is off duty, the information will be forwarded for follow up.

420.6 Enforcement

A CSO of this department may issue citations or summonses and complaints enforcing any local law concerning the control of pet animals (CRS § 30-15-105).

It should be at the discretion of the handling officer as to the need for, or advisability of, the issuance of a citation for a violation.

420.7 Post-arrest Procedures

Employees should take reasonable efforts to ensure that animals or pets in an arrestee's care will be provided with proper care. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals. Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

420.8 Impoundment

Dogs impounded (per 420.3.2) for being at-large or taken for safe-keeping may be brought to Paradise Animal Welfare Society (PAWS).

420.8.1 Shelter Procedure

a. When a dog is placed at PAWS:
   1. Gunnison Dispatch is to be notified of impounded dogs when no owner is identified or notified
   2. Impounded dogs should be provided with water (and food)
   3. Stalls shall be secured to prevent theft or tampering
   4. PAWS staff must be notified that a dog is in the facility
b. If a dog owner is to receive a citation
   1. Inform PAWS staff a deputy will need to respond when the dog is released.
   2. Complete a citation with any missing information highlighted.
   3. The on-duty officer will respond to cite the owner upon release.

Source: Lexipol, LLC 2011; CBMO
Standard:
Issued: 5/6/2014

Crested Butte Marshal's Department
Standard Operations and Procedures Manual

Revised: 10/14/14, 1/1/20, 11/21/2023

Chapter 5 Traffic Operations

500 Accident Investigation

500.1 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 Crested Butte Marshal's Office prepares traffic accident reports in compliance with CRS § 42-4-1606 and as a public service makes traffic accident information available to the public.

500.2 Call Response

Deputies 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.

500.2.1 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

500.3 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

500.4 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 may issue a traffic citation or a misdemeanor citation to the offending driver.

Officers may arrest a person when there is probable cause to believe 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.

500.5 Traffic Accident Reporting

Department members shall utilize forms/software approved by the Department of Revenue, Motor Vehicle Division (CRS § 42-4-1608) for the reporting of traffic accidents. All traffic accident reports taken by members of this department shall be forwarded for approval and data entry into the records management system.

500.5.3 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.

500.6 Reporting Situations

500.6.1 Traffic Accidents Involving Town Vehicles

Traffic accident investigation reports shall be taken when a Town owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the accident occurs on private property or does not involve another vehicle. Whenever there is damage to a Town vehicle, a vehicle damage report shall be completed and forwarded for approval.

To avoid the perception of conflict of interest, citizens may request another agency handle the investigation if they so desire.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

500.6.2 Injury or Fatality Traffic Accidents with Department Employees

When an employee of this department, either on or off duty, is involved in a traffic accident within the jurisdiction of the Crested Butte Marshal's Office and it results in a serious injury or fatality, the Chief Marshal or a Supervisor should request the Colorado State Patrol (CSP) or other outside agency to complete an investigation and report. The term serious bodily injury is defined as bodily injury

that involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of bodily function (CRS § 18-1-901(3)(p)).

500.6.3 Private property accidents that do not involve injury or alcohol are investigated as a courtesy to the public. The investigating officer may complete an Incident Report/State Accident Form.

500.6.4 Public property accidents involving less than $1,000 damage to any vehicle, no injury, and no alcohol involvement do not require an Incident Report/State Accident Form.

500.6.5 Public property accidents involving more than $1,000 damage to any vehicle, injuries, or with alcohol involvement require the DR3447 form and an Incident Report.

500.6.6 Hit and Run accidents or accidents involving large trucks or busses require the Supplemental Form, DR3447A in addition to the regular DR3447 form.

500.7 Unusual Circumstances

500.7.1 Accidents involving Crested Butte Marshal's Office family members will be referred to another agency for investigation.

500.7.2 The Chief Marshal or designee will respond to the scene of any accident involving a department vehicle and will evaluate the incident.

500.7.3 Unknown location Hit & Run accidents may be reported as an information type Incident Report.

500.7.4 Traffic Collisions Involving Injured Animals

Department members should refer to the Animal Control Procedures Policy when a traffic accident involves disposition of an injured animal.

500.8 Emergencies

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 Marshal's Department to complete a Counter Report for the accident.

500.8.1 The Chief Marshal or the highest ranking officer on duty will declare

the Accident Alert. Communications will be asked to notify duty officers by radio and efforts will be made to alert local broadcast media and post on social media.

500.8.2 The levels of service offered during an Accident Alert will vary according to the situation and resources available as follows:

a. Level 1, persons involved in 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; AND persons involved in minor (under $1,000) Public 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.
b. Level 2, during major police emergencies that require all available Marshal personnel, accident investigation will be limited to serious injury or fatal accidents. Neighboring agencies may be requested to handle all accidents during the emergency if they have personnel available.

500.8.3 The Accident Alert will be terminated as soon as conditions stabilize and personnel are available for normal levels of police service.

500.8.4 Counter Reports may be completed online through a link listed on the Town's website for the Colorado State Patrol crash report through the Colorado Department of Revenue.

500.8.5 Traffic citations will not be issued on the basis of Counter Report information with the exception of insurance violations.

500.9 Notification of Chief Marshal

In the event of a serious injury or death related traffic accident, the Shift Supervisor shall notify the Chief Marshal to relate the circumstances of the traffic accident and seek assistance from the Chief Marshal. In the absence of the Chief Marshal, a Supervisor may assign an investigator or deputy to investigate the traffic accident.

Source: Lexipol, LLC 2011; CBMO
Standard:
Issued: 5/6/2014
Revised: 11/21/2023

502 Pursuit and Emergency Vehicle Operations

502.1 Purpose and Scope

The purpose of this policy is to set forth the circumstances and manner in which officers of this department may engage in an emergency operation.

502.2 Definitions

Authorized emergency vehicle: A department vehicle equipped with an audible signal and a visual signal as defined in C.R.S. 42-4-213. Vehicles not so equipped, or vehicles with equipment that is inoperative, shall not be used as an emergency vehicle.

Emergency call: A situation that reasonably requires an immediate response by the officer and involving a reasonable belief by the officer that there is:

a. An officer who needs urgent help;
b. A burglary in progress that appears to involve a threat to one or more persons, or a robbery in progress;
c. A person brandishing a deadly weapon;
d. A traffic accident involving a serious or unknown injury;
e. A riot or large disturbance with fighting or injuries occurring;
f. An apparent homicide;
g. A fight in progress, assault in progress, or other violence in progress;
h. A sexual assault in progress;
i. A domestic dispute with an assault in progress, or that just occurred with a suspect still present;
j. A suicide attempt in progress;
k. A kidnapping in progress; or
l. Other circumstances that the officer reasonably believes require an immediate response by the officer, or concerning which the officer has been directed by dispatch or by a supervisor to respond immediately.

Emergency operation: The act of driving an authorized emergency vehicle while on an emergency call or a pursuit.

Officer: A sworn officer of this department.

Pursuit: A form of emergency operation in which an officer initiates a vehicular stop and a driver resists any order by the officer to stop, including an order in the form of turning on lights and/or siren, by increasing speed, taking evasive action, and/or otherwise indicating an intent not to stop.

Supervisor: A commissioned peace officer of the rank of Deputy Marshal IV or above, or in the absence of a supervisor, an officer designated as acting supervisor for the

shift, the highest ranking officer available.

Violent felony: An attempted or completed felony in which a perpetrator uses aggressive physical force, including any of the following to the extent it constitutes a felony:

a. Homicide;
b. Kidnapping;
c. Assault, vehicular assault, or sexual assault;
d. Robbery;
e. Arson;
f. Any other crime of violence; or
g. Escape for one or more of the foregoing offenses.

502.3 Policy

502.3.1 It is the policy of this department that officers may engage in an emergency operation only in accordance with applicable laws, including CRS Section 42-4-108, as from time to time amended. A copy of said statute as it existed at the time of adoption of this policy is attached hereto.

502.3.2 An officer may engage in an emergency operation ONLY:

a. while responding to an emergency call, or
b. when in pursuit of a person who has committed or is reasonably suspected by the officer to have committed:
    1. A violent felony as defined in this policy; or
    2. Some other act of violence which, in the officer's reasonable judgment, requires that the person be pursued for the immediate protection of the public safety.

502.3.3 Only an authorized emergency vehicle may be used in an emergency operation.

502.3.4 Officers shall be mindful that the driver of an emergency vehicle is never relieved of the duty to drive with due regard for the safety of all persons, and the driver is not protected by law from the consequences of the driver's reckless disregard for the safety of others.

502.3.5 When engaged in emergency operations, in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions from certain traffic laws by statute. These exemptions shall not be used in any circumstance other than while responding to an emergency call or when in pursuit as outlined in this policy. Any other use of the exemptions is a violation of law and of this policy.

502.4 Emergency Operation - Requirements

502.4.1 While performing an emergency operation within the meaning of this policy, an officer is granted the following exemptions from the traffic laws:

a. The officer may park or stand the emergency vehicle irrespective of the provisions of Title 42, CRS;
b. The officer may proceed past a red or stop signal or stop sign, but only after coming to a crawl speed or stopping, to the extent necessary for safe operation.
c. The officer may exceed the lawful speeds set forth in CRS Section 42-4-1101(2), or the maximum lawful speed limits set forth in CRS Section 42-4-1101(8), but only as long as the officer does not endanger life or property.
d. The officer may disregard regulations governing directions of movement or turning in specified directions.

502.4.2 In any circumstance other than an emergency operation, the officer shall operate his or her vehicle in full compliance with all applicable traffic laws.

502.4.3 When performing an emergency operation as listed (502.4.1) above, the vehicle must make use of lights or siren, subject to the following:

a. Driving with neither lights nor siren is allowed ONLY where the officer is attempting to confirm his/her suspicion that the driver has violated the traffic code, AND the officer otherwise has no reasonable suspicion or probable cause to stop the driver of the vehicle.
b. As soon as the officer determines there is reasonable suspicion or probable cause to stop the driver of the vehicle for any reason, the emergency operation shall be done with, at a minimum, lights on; if the driver fails to respond promptly, both lights and siren shall be used.
c. Driving with lights on but siren off is also permitted in circumstances when an emergency operation requires an element of stealth that would be destroyed by the use of siren.
d. When parking or standing an emergency vehicle irrespective of the provisions of Title 42, CRS, lights shall be on, unless using the lights would cause an obstruction to the normal flow of traffic.

502.4.4 In a pursuit, no more than two emergency vehicles from this department shall be involved unless specifically approved by a supervisor.

502.4.5 In a pursuit, no officer shall pursue a suspect the wrong way on any roadway absent exigent circumstances. Rather, the supervisor shall consider alternatives that the officer may use, such as a parallel roadway.

502.4.6 In a pursuit, no officer shall establish a termination roadblock,

i.e., a roadblock with no exit option, without specific directions from a supervisor. Roadblocks shall conform to the use of force policy. The supervisor shall consider alternatives that may be used, such as notifying the next jurisdiction, using stop sticks, channeling traffic into a desired lane on the roadway, or creating a compelling path by channeling traffic towards a modified roadblock, i.e., a roadblock in which the driver has an exit option.

502.4.7 Nothing herein is intended to preclude an officer from using lights and/or siren in other appropriate circumstances that do not involve the exemptions described above, including but not limited to:

a. using lights as a necessary warning for public safety, such as at the scene of a fire, accident, or disaster; or
b. using lights as a visual signal to attract the attention of motorists.

502.5 Pursuit – Decision-Making Factors; Termination

502.5.1 The initial decision to start a pursuit shall lie primarily with the officer who has initiated the vehicular stop. That decision shall be made based on the elements of this policy, including the need to apprehend immediately (i.e., the crime for which the suspect is wanted), and the risk the pursuit poses to the community (e.g., traffic, pursuit area, environmental factors, and weather conditions).

502.5.2 The officer shall continually consider the risks created by the pursuit, as those risks change during a pursuit.

502.5.3 The officer may choose to terminate a pursuit at any time. No officer or supervisor shall be subject to discipline for making the decision not to initiate, or the decision to terminate, a pursuit.

502.5.4 A pursuit should not be initiated or continued when there are other means readily available to identify and apprehend the suspect.

502.5.5 A supervisor may at any time override an officer's decision to initiate or continue a pursuit, and order that the pursuit be discontinued.

502.5.6 A pursuit shall be considered terminated when the primary officer broadcasts the termination to dispatch and turns off the emergency lights and/or siren. The officer shall stop and pull to the curb, pull off the highway, turn around, or take other measures reasonably indicating to the driver of the pursued vehicle that the pursuit has ended.

502.5.7 A pursuit shall also be considered terminated when the suspect

vehicle stops.

502.6 Methods of Stopping Pursued Vehicle

502.6.1 Boxing-in: the maneuvering of an emergency vehicle into the path of a vehicle traveling slower than 20 mph, or a stopped vehicle, with the intent of slowing and stopping the vehicle and/or keeping the vehicle stopped. Officers may box in another vehicle, but must be aware that the placement of their vehicle in the path of another vehicle moving faster than 20 mph constitutes barricading.

502.6.2 Spike strips: devices used to deflate tires in a controlled fashion. Use of spike strips requires an on-air notification prior to deployment. Only officers trained in use of these strips are permitted to deploy them.

502.6.3 Pursuit Intervention Technique (PIT): intentional contact between an emergency vehicle and a pursued vehicle in such a manner as to cause a 180-degree spin and subsequent stop of the pursued vehicle. Only officers trained in the technique are permitted to employ it. PIT may be used to end a pursuit when other means have been considered and tried or ruled out. PIT will not be used on any two-wheeled vehicle, passenger occupied bus, vehicle transporting hazardous material, or any vehicle that would pose an unusual hazard to the public.

502.6.4 Barricading: the intentional blocking of a roadway, by any means, to prevent passage of the pursued vehicle. Barricading is considered deadly force within the meaning of the Department's use of force policy; furthermore, it is subject to the following additional requirements:

a. Barricading requires the approval of a supervisor.
b. The barricade must be set up in such a manner as to afford the operator of the pursued vehicle ample time to see the barricade.
c. Once authorized, only unoccupied emergency vehicles may be used for the barricade. Under no circumstances shall a roadway be barricaded with any occupied vehicle, or any vehicle belonging to a private citizen.
d. Pulling in front of a fleeing vehicle to give the operator of the pursued vehicle a look at the police vehicle is strictly prohibited (except during boxing in or to travel in the same direction as the fleeing vehicle, when done in compliance with the other provisions of this policy).

502.6.5 Ramming (deliberate): Using an emergency vehicle to purposely cause contact with another moving vehicle to bring that vehicle to a stop (except PIT). Ramming is considered deadly force within the meaning of the Department's use of force policy.

502.6.6 Shooting: shooting at or from moving vehicles. Shooting is considered deadly force within the meaning of the Department's use of force policy.

502.7 Emergency Operation – Primary Officer Responsibilities

502.7.1 When an officer engages in an emergency operation for emergency call response, the officer shall notify dispatch of the following as soon as practicable:

a. If an emergency call, the nature of the emergency;
b. Any other relevant information.

502.7.2 If a supervisor communicates with the driver of an emergency vehicle, the driver shall not fail to acknowledge the communication.

502.8 Pursuit – Supervisor Responsibilities

A supervisor, if available, shall have control over a pursuit, and shall have the following responsibilities:

502.8.1 Once notified that a unit has become involved in a pursuit, the supervisor shall acknowledge his or her presence immediately, monitor the activities, and provide the primary unit's driver with appropriate direction.

502.8.2 The supervisor shall request, and the emergency vehicle driver shall provide, information necessary to evaluate the continuation of the pursuit.

502.8.3 The supervisor has the authority to terminate any pursuit.

502.8.4 The supervisor shall actively monitor the progress of the pursuit, continually evaluate the circumstances known to the supervisor at the time, and make a decision to allow the pursuit to continue or order it terminated.

502.9 Pursuit – Communications Section Responsibilities

The following information should be communicated when conditions permit:

502.9.1 Receive and record all incoming information on a pursuit and the pursued vehicle.

502.9.2 Immediately notify the supervisor when a pursuit is initiated.

502.9.3 Clear the radio channel of any unnecessary radio traffic and advise all other units that a pursuit is in progress, providing all relevant information.

502.9.4 Perform relevant record and motor vehicle checks.

502.9.5 Control all radio communications during the pursuit.

502.9.6 Coordinate assistance under the direction of the supervisor.

502.10 Inter-jurisdictional Pursuits – Notification After Entry and After Discontinuance/Termination

502.10.1 Whenever a pursuit enters a receiving jurisdiction, the communications section of the originating jurisdiction shall, as soon as practical, notify the receiving jurisdiction of the existence of the pursuit and the reason for the pursuit, and shall keep the receiving jurisdiction apprised of the status of the pursuit.

502.10.2 When a pursuit is discontinued or reaches termination, all units should be so advised immediately.

502.11 Inter-jurisdictional Pursuits – Supervisory Responsibilities in Police Vehicle Pursuits

502.11.1 A supervisor from the originating jurisdiction and each primary jurisdiction should respond to the scene of termination or discontinuance of the pursuit unless otherwise instructed by the receiving jurisdiction.

502.11.2 Each participating jurisdiction should gather, and provide upon request to each other participating jurisdiction involved, information concerning the circumstances of its participation and the names of any of its officers participating in the pursuit.

502.12 Inter-jurisdictional Pursuits – Number of Vehicles

Any participating vehicle from a receiving jurisdiction, once relieved by another vehicle, should discontinue its participation as soon as practicable after leaving its jurisdiction unless circumstances dictate otherwise, or unless otherwise requested by the primary jurisdiction. However, the decision to discontinue participation may be the most appropriate course of action, depending on the circumstances.

502.13 Inter-jurisdictional Pursuits – Pursuits Entering a Receiving Jurisdiction

502.13.1 Normally, officers in a receiving jurisdiction should not become involved in a pursuit originating in another jurisdiction. However, a supervisor

from the receiving jurisdiction may assign officers to assist with traffic control, to render assistance at the termination or discontinuation point, or to monitor the progress of the pursuit. Such officers shall not be considered to be directly involved in the pursuit.

502.13.2 Upon request of the primary jurisdiction and approval of the receiving jurisdiction, a vehicle from the receiving jurisdiction may assist with the pursuit or become the primary vehicle.

502.13.3 The overall command of a pursuit shall rest with the primary jurisdiction.

502.13.4 When a pursuit has entered a receiving jurisdiction, the primary jurisdiction should attempt to notify the receiving jurisdiction, in advance if possible, of any method to be used by the primary jurisdiction to stop the pursued vehicle.

502.14 Inter-jurisdictional Pursuits – Investigation/Jurisdiction at Termination

The on-scene supervisor of the originating jurisdiction shall be responsible for processing the arrest of any suspects and for coordinating the investigation. However, if there was a more serious violation in another jurisdiction, the on-scene supervisor from that jurisdiction shall assume the responsibility for coordinating the investigation. Nothing herein shall preclude the investigation of any accident, criminal act, or other incident which occurred during the course of the pursuit by any jurisdiction in which such an incident occurred.

502.15 Pursuits – Post-Incident Documentation, Review and Critique

502.15.1 All participating officers shall document their involvement in the pursuit within 24 hours of the event whether or not the suspect was stopped. The supervisor or the supervisor's designee shall prepare a summary report which includes:

a. The names of participating officers.
b. A narrative description of where the pursuit began and under what circumstances (including the weather conditions and road description), where it ended and under what circumstances, at what speeds, and the duration of the pursuit.
c. A description of the tactics used to stop the suspect's vehicle and an evaluation of their effectiveness.
d. Any observations on the behavior or actions of the fleeing driver that may support additional criminal charges.
e. A description of how the suspect was apprehended, and the force-measures

employed. A description of property damaged or an account of injuries sustained during the pursuit.

f. The offenses for which the suspect was charged.

502.15.2 Following completion of the report, a post-incident critique shall be conducted. Each officer and supervisor involved in the pursuit shall participate in the critique.

Source: CIRSA Model Policy - February 1, 2005
Standard: CALEA 41.2.2, 61.3.4
Issued: January 15, 1997
Revised:

504 Response to Calls

504.1 Purpose and Scope

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

504.2 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 § 424108(3) and CRS § 424213). Responding with emergency lights and siren does not relieve 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 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.

504.3 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.

504.3.1 Number of Units Participating

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

504.4 Initiating Emergency Call Response

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

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

Upon determining that an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding. The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the Communications Center of their determination. Any subsequent change in the appropriate response level should be communicated to the Communications Center by the officer in charge of the scene unless a supervisor assumes this responsibility.

504.5.1 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.

504.6 Communications Responsibilities

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy 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 should:

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.
e. Control all radio communication during the emergency and coordinate assistance.

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

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

When making the decision to authorize an emergency response, the Shift 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

504.8 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, field supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency.

Source: Lexipol, LLC 2011
Standard:
Issued: 5/6/2014
Revised:

506 Towing

506.1 Purpose and Scope

It is the purpose of this directive to establish procedures for use by all departmental personnel to ensure the proper exercise of authority to remove vehicles from public streets and from private property.

506.2 General

Since the Town of Crested Butte 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 Marshal's Department will not discriminate in favor of or against any towing service that is duly licensed and operated within Town and State requirements. An agreement between the Town and a PUC licensed tow company will be used for Winter Parking Violations.

506.3 Authority

506.3.1 An officer with the Town of Crested Butte is granted authority to tow and impound vehicles by municipal ordinance and state statute. These authorities may vary under different circumstances, but in the general sense, the authorities relate to evidentiary purposes, stolen vehicles, traffic hazards, abandoned vehicles, and the safe keeping of property.

506.3.2 Officers may seize or tow a motor vehicle under the authority of the following Colorado Revised Statutes, Municipal Ordinances, or special circumstances:

a. If the driver of a motor vehicle has been taken into custody of a law enforcement agency or if the driver, in the judgment of the police officer, is unable to drive safely because of being under the influence of alcohol or drugs.

b. If the motor vehicle has been or is about to be seized by the Crested Butte Marshal's Department or by any law enforcement agency to be held as evidence in a criminal proceeding.

c. Police officers may act under authority of the Model Traffic Code, Section 22-20, Authority to Impound Vehicles.
   1. Vehicles attended or unattended standing upon any portion of a street or highway right-of-way as to constitute an obstruction to the flow of traffic, or creates an immediate traffic hazard.
   2. If the vehicle needs to be moved for highway or street maintenance, the officer shall make a reasonable effort to contact the owner prior to towing. (Normally, this function is performed by a Public Works Supervisor who may request an officer's assistance if needed.)

3. Vehicles meeting the definitions of an abandoned vehicle shall be handled accordance with the Abandoned Vehicles operating standard.

d. CRS, 42-5-107, Seizure of Automobiles or Component Parts by Officers.
e. CRS, 16-13-301, et. seq., Abatement of Public Nuisance.
f. CRS, 16-13-501, et seq., Colorado Contraband Forfeiture Act.

506.4 Procedure

506.4.1 Requests for tow services made through the Communications Center or the Administrative Assistant shall be accompanied by the following information:

a. The location of the vehicle to be towed.
b. The type of special equipment, if any, that is needed, such as: motorcycle, wheel dolly, a truck or tractor trailer, or a vehicle in a canal or ravine which would require an additional wrecker or larger piece of equipment.
c. The circumstances for the tow; i.e., whether the vehicle is abandoned, an immediate traffic hazard, involved in a traffic accident, etc.

506.4.2 Any vehicle towed at an officer's direction and stored or impounded shall be inventoried and the officer shall complete a "Vehicle Impound/Recovery Report" noting the date, time, location, inventory, and the reason for seizure, impoundment, or storage. Any unsecured items with an obvious value over $100.00 shall be noted on the report and left with the tow service or adequately secured if stored at a Town facility.

d. Vehicles towed for parking and winter parking violations do not have to be inventoried.
e. The report will be forwarded to a supervisor for approval and then submitted to the Records Section for processing.

506.4.3 Tow Bill Processing

a. The original tow bill will be submitted to the administrative assistant along with the "Tow Log."
b. If the vehicle is being held for evidence or evidence processing, the approving supervisor will indicate on the tow bill that it is to be paid by the Marshal's Department.

506.4.4 It will be the officer/investigator's responsibility to follow-up on a towed vehicle for proper vehicle disposition. The officer will be responsible for ensuring a follow-up investigation has been conducted. The follow-up investigation should address the following at a minimum:

a. The proper location of the towed vehicle.
b. Party responsible for towing/storage fees (Police Dept., vehicle owner, etc).
c. The vehicle is properly released and the payment of any towing/storage fees

have been addressed.

506.4.5 Disposal of Impounded or Stored Vehicles

a. Most vehicles stored or impounded at Town owned or controlled storage facilities, will be promptly released when;
   1. It is no longer needed for evidence and has been released by the district attorney's office.
   2. It has been processed for physical evidence and the vehicle is not required for criminal proceedings.
   3. It had been seized for forfeiture proceedings and now has been released by the district attorney's office back to the original owner. In this case, the releasing officer shall ensure the owner has evidence to indicate the towing fees have been paid prior to releasing the vehicle.

b. The procedures for disposal of abandoned vehicles shall be in accordance with State Statutes or Municipal Code.

c. The disposal of vehicles seized as evidence in a criminal or civil proceeding shall be in accordance to existing policy

Source: CBMO
Standard:
Issued: January 15, 1997
Revised: February 16, 2000, 5/6/2014

508 Winter Parking

508.1 Purpose and Scope

To assist Public Works in clearing the streets of accumulated snow, winter parking rules were enacted to allow one side of town streets to be cleared each night and the main thoroughfare to be cleared every night as needed. The role of the Marshal's Office in this operation has traditionally been to ticket vehicles on "non-tow" nights to encourage compliance throughout the snow season and to ticket and remove vehicles in areas where plows need to operate.

508.2 General

Generally, the on-duty night officer will ticket and tow for winter parking violations. This activity may also be delegated to Public Works as necessary or to the Community Services Officer. In addition, the Town enters into an agreement with a PUC licensed tow company to remove Winter Parking violations as needed.

508.3 Authority

An officer with the Town of Crested Butte is granted authority to ticket and tow vehicles by municipal ordinance and state statute for highway or street maintenance.

508.4 Procedure

Winter Parking Regulations are in effect from November 1 to April 30. Enforcement hours are from 1:00am to 10:00am. Parking violations are only to be written on signed streets and Town parking areas.

508.4.1 Right of Way

The Town right-of-way starts at the curb and extends sixteen feet beyond the roadway. The first 16 feet of driveways is also part of the Town right-of-way. As a simple guide, sighting from the end of the block down the winter parking and street signs provides the right-of-way used in determining winter parking violations. Any vehicle parked on the street side of those signs is in the right-of-way for winter parking purposes.

Parking is not allowed on the Odd sides of the street on odd numbered days of the week from 10:00pm to 10:00am the next day.

Parking is not allowed on the Even sides of the street on even numbered days of the week from 10:00pm-10:00am.

508.4.2 Nightly

Parking is not allowed on Elk Avenue between First Street and Sixth Street and, on Third Street between the Elk Avenue alleys from 2:00am to 8:00am. Additionally, there is no overnight parking in any of the signed Town parking lots.

508.4.3 Exceptions

Annually, a list of exceptions to the winter parking rules will be compiled. These exceptions will be forwarded in a departmental directive. The purpose of the exceptions is to limit the impact of winter parking regulations in areas where/when it is not critical.

508.5 Plowing

Of critical importance are the core travel routes in town; Elk Avenue and the adjacent streets, and the Mountain Express bus route. Every effort will be made to assist Public Works in keeping these routes clear as requested. It is important to coordinate the towing effort with Public Works crews to ensure the efficiency of street clearing. To that end, vehicles will not be unnecessarily towed and areas of most concern will be towed first.

508.6 Towing

508.6.1 When towing vehicles, officers will appropriately ticket illegally parked vehicles. Special care should be given to ensure winter parking signs are in place and visible.

508.6.2 A tow log sheet will be completed in duplicate so one copy can be given to the tow truck driver and another retained by the office.

508.6.3 The completed tow sheet will be faxed to Gunnison Communications.

508.6.4 The completed tickets and tow log sheet will be submitted to the administrative assistant. The log sheet will also be made available for the day officer so impounded vehicles can be accurately cleared from the list.

Source: CBMO
Standard:
Issued: 5/6/2014
Revised: 1/1/20

Chapter 6 Investigations

600 Evidence and Property

600.1 Purpose and Scope

To establish responsibilities and procedures for processing crime scenes for evidence, collecting and preserving evidence, property and evidence reports, seized and found property, and an accountability system for property and evidence.

Evidence will be collected, processed and preserved in a manner calculated to assist in solving crimes and determining the guilt or innocence of suspects.

Property coming into the possession or under the control of the department shall be placed under formal accountability within the scope of department property management procedures at the earliest practicable time.

Property or evidence which has been found, gathered or received in connection with departmental responsibilities shall be handled in accordance with departmental procedures. Members shall not transfer, manufacture, conceal, falsify, destroy, move, tamper with or withhold for their own or another's use, any property, except through lawful orders, or established policies and procedures.

600.2 Processing, Collecting, Preserving Evidence

600.2.1 The primary officer assigned to a particular case will be responsible for the proper handling of evidence for that case. This officer may also be the evidence custodian or another officer assigned to this duty.

600.2.2 Major crime scenes will normally be processed in the following sequence:

a. Photographs of the scene.
b. Crime Scene Sketch.
c. Processing/preservation of DNA evidence.
d. Processing/preserving items for latent prints.
e. Collecting and preserving physical evidence.
f. Transporting all physical evidence to department evidence storage facilities.
g. Forwarding evidence to a forensic laboratory for further analysis.

600.2.3 Crime Scene Photographs

Pertinent aspects of a serious crime scene should be photographed, prior to other processing activities. Where a central point of focus exists, such as a victim, photographs should be taken from at least four opposite directions, and equal distances. Photographs of evidence, where dimensions may be pertinent, will be taken with and without a scale inserted in the field of view. The first photograph of any series will be of a card showing the information required in

Section 600.3.1 written in indelible **MARKER** for readability.

600.2.4 Crime scene sketches should include:

a. Dimensions.
b. Relationships of crime scene to graphic features, buildings, rooms, or roads.
c. Addresses, floor or room number, as appropriate.
d. Location of significant features of the scene, including the victim.
e. Date of preparation.
f. Name of person preparing the sketch.
g. Symbol indicating north.
h. Location of pertinent items of physical evidence recovered.

600.2.5 Latent Prints

Visible prints may be photographed before lifting. Small items that are the source of latent prints are to be preserved as evidence after the prints are recovered. Large items must be photographed from a suitable distance to show the item's placement in the scene and general location of the latent print.

600.2.6 Evidence Collection

Evidence collection should observe the following:

a. Most items will be placed in paper bags
b. Wet clothing may be placed in plastic bags until placed in the property lockers, where it will be hung to air dry. The plastic bag used to carry the item will be retained as part of the physical evidence.
c. Whole Blood, collected for comparison purposes, will be collected in "red-stoppered" test tubes (without preservatives). These tubes will be refrigerated within one hour of collection. * *__Observe Universal Precautions__* *
d. Sexual Assault kits will be refrigerated within one hour of collection. * *__Observe Universal Precautions__* *

600.2.7 Perishable Evidence

a. Fresh blood, blood stained objects and Sexual Assault kits will be submitted to the appropriate laboratory within one week. Evidence which will not be accepted without a comparison standard will be secured until such standards are obtained. The reason for any delay in submission will be documented in the case report.
b. Perishable food items should be documented, photographed and released to the owner whenever possible. Retained items must be refrigerated promptly.

600.2.8 Physical Evidence from Known Sources

Whenever possible, known-source evidence samples will be collected by the crime scene processor and submitted to the laboratory for comparison/examination.

600.2.9 Processing of Recovered Stolen Vehicles

The processing of recovered stolen vehicles for evidence will normally be completed prior to releasing the vehicle to an owner or towing it to a storage facility. If the vehicle cannot be processed at the scene, it may be towed to a secure facility for processing.

a. Vehicles placed in storage, which are to be processed, will be posted, "Evidence Do Not Touch".

b. The impounding officer will be responsible for stipulating conditions of release on the impound report, and making necessary notifications to the owner and reporting agency

. 600.2.10 Laboratory Requests

a. It is the responsibility of the assigned case officer to prepare evidence for submission to the appropriate laboratory and to prepare the appropriate lab requests and cover letter.

b. In cases where physical evidence is submitted to a forensic laboratory, copies of the lab receipt will be placed in the case file and the appropriate chain of custody entries made. Copies of the reported findings will be sent to the District Attorney, the investigating officer and the original report placed in the case file.

600.2.11 Scenes Not Processed

If a serious crime scene is not processed, the investigator, if assigned, or the initial officer shall document why the scene was not processed, in their written report.

600.2.12 Most evidence will be stored in the CBMO Evidence Locker. Bicycles and large items can be secured in the Conex box or animal shelter. Flammable materials will be secured in a safe location at the Town Services Facility. Officers may use the temporary storage lockers to hold items until the Evidence Custodian can take over custody and for temporary storage while processing evidence.

60.2.13 Officers may photograph and release items back to the owner when long term police storage would be a hardship for the owner. The DA's office should be consulted on major cases.

600.3 Labeling & Recording

600.3.1 Physical evidence, photographs, sketches, and latent print lifts will be marked with the following information:

- Case number.
- Name or initials and I.D. number.
- Date and time obtained.

- Location obtained (evidence and latent prints).

a. All items will be listed on a completed Property Report.

b. Chain of Custody

A minimum of personnel will be involved in the security of property or evidence. Individual items will be separately packaged, (like items may be packaged together) and tagged, or marked. Each time the custody of an item is changed, the person receiving custody will record the chain of custody on the tag or label.

600.3.2 Seized, found, or recovered property will be marked with the following information:

- Case number, if applicable
- Name or initials and I.D. number.
- Date and time obtained.

a. All items will be listed on a completed Property Report.

b. Chain of Custody

Individual items will be separately packaged, (like items may be packaged together) and tagged, or marked. Each time the custody of an item is changed, the person receiving custody will record the chain of custody on the tag.

600.4 Accountability for Property and Evidence

Each member of the Department is appointed Property Custodian for their case. The Investigative Supervisor has supervisory responsibility for the property and evidence function.

600.4.1 Money (cash)

a. All monies will be packaged separately and will be counted every time there is a change of custody.

b. Cash will be turned over to the Finance Department at the earliest opportunity after receiving the evidence release memo from the District Attorney's Office or the Town Attorney's office. The Finance Department will then issue a check when custody is to be transferred for final disposition.

600.4.2 Firearms

a. Each firearm will be individually tagged.

b. All firearms will be unloaded and the cartridges placed in a separate container(s).

c. Loaded firearms may be submitted to the laboratory in order to avoid destroying evidence. The property report will be marked "**Loaded Firearm**". A lab request will accompany a loaded firearm specifying evidence to be collected, preserved or documented. **Loaded firearms will be hand**

carried to the lab.

600.4.3. Controlled Substances and Suspected Controlled Substances

a. Growing cannabis and green marijuana
    1. Photographs will be taken by the seizing officer. The plants will be removed from the soil, counted and placed in paper bags.
    2. Green or damp marijuana will be placed in paper bags.
    3. Each bag will be individually marked and sealed.

b. Individual items (pills and capsules)
    1. The items will be counted with the quantity listed on the property report.
    2. The items will be placed in a sealed bag and individually marked.

c. Particulate items (powder and pieces) will be placed in a sealed bag and marked.

600.4.4 Any property coming into an employee's possession, during the course of their duties, will be placed in the CBMO evidence locker by the end of that tour of duty.

600.4.5 An annual inventory/inspection of in-custody property shall be conducted by a supervisor not routinely or directly connected with the control of property. The supervisor will be selected by the Chief.

600.5 Property Control

600.5.1 Each officer is responsible for securing all properly submitted evidence and property while ensuring the chain of custody pending a final disposition.

600.5.2 Each officer is accountable to secure custody of all property accepted by, or stored in the agency's evidence rooms.

600.5.3 In-custody property shall be stored within designated secure areas.

600.5.4 Only sworn personnel will have access to the main evidence storage room.

600.6 Authorization for Release of Property

600.6.1 The Investigative Supervisor will release or destroy evidence only with authorization from any one of the following:

a. The assigned officer or his supervisor.
b. The office of the District Attorney.

c. The court clerk.

600.6.2 Retention of Physical Evidence
Physical evidence will normally be retained until:

a. The judicial proceedings are completed.
b. The statute of limitations has expired.
c. The case is unfounded.
d. The District Attorney declines to prosecute.

600.7 Release of Property

600.7.1 The assigned officer has the primary responsibility to provide final disposition instructions, including timely determination of ownership of items, and what items are to be auctioned, returned or destroyed.

a. Each officer will send evidence review forms to the case Investigative Supervisor.
b. Final disposition of found, recovered, and evidentiary property will be completed by the officer within six months after legal requirements have been satisfied.

600.7.2 Final dispositions.

a. Illegal drugs, contraband and illegal weapons will be destroyed in accordance with all applicable state laws.
b. Items which may be legally possessed will be returned to the owner or his/her designee, unless a court order dictates the disposition.
c. Alternatives available to the department for disposition of seized, found, or recovered property (as appropriate and in accordance with applicable statutes and ordinances) are; return to the owner or other authorized person, return to finder, destruction, transfer to the courts, or transfer in accordance with a court order. Any other transfers, sale, or salvage of property will be by published sale.
d. Property, the possession of which is illegal, must be destroyed by the department when there is no legitimate purpose for retention.
e. Citizens who found lost or abandoned property that was turned over to the department may claim the property in accordance with Town ordinances.
f. The courts may retain property, usually as evidence, or issue orders for transfer or disposition of the property.
g. The officer who takes evidence to court will mark the evidence tag and make the appropriate entry to continue the chain of custody.
h. All items coming into the possession of personnel of this department that are to be destroyed shall be submitted to the Property Custodian for destruction.
I. The investigating officer in consultation with the Investigations Supervisor will release items of evidence, property held for safekeeping and found property when the owner presents suitable identification and signs the property report, verifying receipt of the item.

j. Unclaimed Items will be auctioned or destroyed in accordance with municipal ordinances. Unclaimed items may be retained.

k. The destruction of items of little or no value may be completed by the Investigations Supervisor. The destruction of valuable items will be witnessed by an additional person.

l. When Controlled Substances (Drugs) are to be destroyed, a supervisor not assigned to the evidence section will select a sample of the cases, inspect the items and annotate the original property report as having inspected them. Two persons assigned to the evidence section will inventory all the drug items against the original reports and examine all packaging for integrity. The inspecting supervisor and the two evidence section personnel will concurrently complete and witness the actual destruction.

600.8 Reference Materials

600.8.1 CBI Evidence handbook

Source: CBMO
Standard: CACP 200.1-200.8
Issued: January 15, 1997
Revised: February 23, 2003

601 Acceptance, Storage, and Return of Firearms

601.1 Purpose and Scope

To provide direction and guidelines for the proper handling and storage of firearms that are surrendered, or seized as a result of an Extreme Risk Protection Order. This policy will also deal with the proper procedure to follow for the return, or disposal of firearms after resolution of the ERPO has been achieved. Colorado POST has provided the following document outline for the ERPO Model Policy Acceptance, Storage, and Return of Firearms per CRS 13-14.5-101; the Deputy Zackari Parrish III Violence Protection Act

601.2 Policy

Colorado Courts may order, pursuant to CRS 13-405.5-101, the surrender, or seizure of firearms. Officers will comply with all applicable Colorado Revised Statutes in regards to the acceptance, storage, and return of all firearms.

601.3 Definitions

Antique firearm/Relic: Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898.

Extreme Risk Protection Order: Known in this document also as an ERPO. Either a temporary, or continuing order granted pursuant to CRS 13-14.5-101.

Federal Firearms Dealer: A Federal Firearms Dealer is a person licensed in the United States, which enables an individual or company engaged in a business pertaining to the manufacture or importation of firearms and ammunition, or the interstate and intrastate sale of firearms.

Firearm: Any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable of discharging bullets, cartridges, or other explosive charges.

Respondent: The person who is the subject of the Extreme Risk Protection Order.

601.4 Acceptance of a Firearm

There are two methods by which you will be in the position to accept weapons based on the issuance of the temporary ERPO. They are by voluntary surrender by the respondent, as directed in the language of the temporary ERPO, or seizure by our agency, during a lawful search pursuant to a search warrant, plain view search, or consent.

601.5 Voluntary Firearm surrender

According to orders set by the court in the temporary ERPO, the respondent has 24 hours to surrender all firearm(s) listed in the court order, or in their control or possession. The order will require surrender of the firearm(s) to law enforcement, or a federal firearms dealer for transfer, storage, or sale. They may also be transferred to a family member, if firearm is classified as an antique, or relic. If the firearms are surrendered to law enforcement, you will give the option to the respondent of where they want the firearm(s) to go. The options allow for a transfer to a federal firearms dealer for storage or sale, or storage with law enforcement. Be advised, this law does not require a federal firearms dealer to accept the firearm, they have the option to refuse. If the respondent indicates no preference, officers will take custody of the firearm for storage at a secure law enforcement facility. If applicable, and set forth in the temporary order, you will also take custody the respondent's concealed carry permit. You will be required to issue a property receipt accounting for every firearm surrendered to you, and the concealed carry permit, if applicable. You will issue a copy of the inventory of items seized to the respondent prior to termination of the contact. Additionally, you must ensure the original copy of the receipt is filed with the courts, and a copy is retained with your original report. **The original receipt for the firearm(s) that have been surrendered must be submitted to the court within 72 hours.**

If the firearm in question is an antique, or relic, you may give that firearm to a relative if: the relative does not live with the respondent, and you have verified through a criminal records check, CBI InstaCheck, that the relative is legally allowed to be in possession of a firearm. You must still complete a property receipt for the transfer from storing the firearm until relinquished to the relative. The relative retains a copy of the receipt, the original goes to the court **within 72 hours**, and a copy submitted with your report. Once the firearm is in your possession, and proper documentation has been completed, the weapon will be secured, packaged, and stored in accordance with your agency's existing policies regarding firearm storage, and in accordance with this policy. **The ammunition and any magazines associated with the surrendered firearm(s) will not be taken.**

601.6 Firearm Seizure

If you as the law enforcement officer are the petitioner, and a temporary ERPO is issued, the process begins with the issuance of the order. Along with the search warrant obtained at the ERPO hearing, you serve the order to the respondent. After the respondent has been properly served with the ERPO, you shall take custody of the respondent's firearm(s) pursuant to the previously obtained search warrant, or other lawful search (plain view). If applicable, and named in the warrant, you will also seize the respondent's concealed carry permit. Similar to the voluntary surrender, once you have seized all of the firearms in question, either seized through a lawful search, or in plain view, the respondent will have the option of the disposition of their firearms. They may choose transfer to a federal firearms dealer, or police custody. If they offer no preference the firearms will remain in police custody. Also, just as with the voluntary surrender of firearm(s), upon completion of your search, a receipt shall be issued to the

respondent articulating all items seized. The original will be filed with the court, and a copy filed with your original report. **The original to court needs to be submitted within 72 hours.**

If after the firearms are in the possession of your agency, another party claims verifiable title to the firearms, the firearms will be released to him or her. You must also confirm that party is eligible to be in possession of firearm(s), via a CBI InstaCheck. This transaction must also be documented, and notification made to the court. **As with the surrendering of weapons, when you are seizing the weapons by order or warrant, you will not seize any ammunition or magazines associated with the firearm(s).**

601.7 Storage of Firearms

Once the firearms are in the control and care of our agency, they will be stored, and maintained in a substantially similar condition that the firearm was in when it was surrendered. If the respondent makes no choice of the firearm's disposition, our agency will store the firearm in a similar manner as if surrendered. You will follow the policy for safe and secure storage of a firearm i.e. unloaded, open action or cylinder secured by lock, or strap. If the respondent opts for the storage of the weapon(s) with a registered Federal Firearms Dealer, you will contact a dealer requesting storage on the respondent's behalf, and assist to facilitate the transfer

601.8 Return of Firearms

If the ERPO or temporary ERPO is terminated, or expires without renewal, your agency, or agency in possession of the respondent's firearm(s), have no more than three days to return the firearm(s) in your possession to the respondent. The three day window for the return of the firearm(s) will begin upon the completion of an InstaCheck by the Colorado Bureau of Investigation. We will be notified of the termination of the order by the court. You will then, via a CCIC notification, request the InstaCheck be completed by Colorado Bureau of Investigation. CBI in turn will notify you, again via CCIC, of the status of the respondent.

If the firearm(s) are in the care and custody of a Federal Firearms Dealer, they too have the same window of three days to return the firearm(s) to the respondent. The three day window for the return of the firearm(s) will begin upon the completion of an InstaCheck by the Colorado Bureau of Investigation.

If the firearm(s) was/were classified as an antique or relic, and transferred to the care and control of a relative, they are also required to return care and custody of the firearm(s) in no more than three days to the respondent. The three day window for the return of the firearm(s) will begin upon the completion of the InstaCheck by the Colorado Bureau of Investigation. If applicable, the respondent's concealed carry permit will be returned at the same time as the firearm(s).

Any firearm(s) surrendered by the respondent, or taken into custody by a lawful order, that remains unclaimed by the respondent, or lawful owner for at least one year from the date the temporary ERPO, or ERPO expired, **whichever is later**, becomes property of your agency. The firearm(s) will then be disposed of in accordance with your

agency's policy and procedure for disposal of firearms in police custody. Full documentation of the disposition of the firearm(s) needs to be submitted to the respondent, to the courts, and in your case disposition report.

Source: Colorado POST
Standard:
Issued: January 7, 2020
Revised:

602 Domestic Violence

602.1 Purpose and Scope

To provide direction for the investigation and handling of calls involving domestic violence.

The Crested Butte Marshal's Department will conform to the 7th Judicial District Domestic Violence Policy. Officers will respond to all domestic violence complaints as incidents of alleged criminal conduct, and arrest and charge suspects when probable cause exists to take such action.

602.2 Definitions

Domestic Violence: The act or threatened act of violence upon a person with whom the Actor is or has been involved in an intimate relationship. "Domestic Violence" also includes any other crime against a person or against property or any municipal ordinance violation against a person or against property, when used as a method of coercion, control punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

Intimate Relationship: Relationships between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Shelter: A battered women's shelter, a friend or family member's home, or any other victim identified safe haven which is within a reasonable distance from the victim's location.

602.3 Procedure

602.3.1 Officers shall take those actions necessary and appropriate whenever they have probable cause to believe that a crime has been or is about to be committed.

602.3.2 When probable cause exists, officers shall arrest and charge, the suspect(s) with the appropriate offense(s) such as assault, aggravated assault, etc. In addition, officers shall cite C.R.S. 18-6-801 Domestic Violence. Any other valid Court orders or warrants shall be enforced.

602.3.3 All incidents of "Domestic Violence" will be directed to the County or District Court at this time.

602.3.4 If probable cause does not exist upon completion of the

investigation, an Incident Report will be prepared and a copy will be sent to the District Attorney's Office.

602.3.5 If a child is present during a Domestic Violence incident, a copy of the Incident Report will be sent to the Victim's Advocate and Department of Human Services.

602.3.6 The officer will complete all reports in a timely manner and send to the District Attorney's Office when completed.

602.4 Peace Officer Mandates

602.4.1 An officer must arrest and take into custody the alleged perpetrator when probable cause exists that a domestic violence crime, including the violation of a restraining order, has been committed.

602.4.2 An officer is discouraged from ticketing and releasing an alleged domestic violence perpetrator. If the perpetrator and victim reside together, an officer is prohibited from ticketing and releasing an alleged domestic violence perpetrator.

602.4.3 When preparing a summons, complaint, affidavit or arrest warrant, or providing information to the District Attorney for filing of charges, the officer must indicate on the face of the document whether the facts forming the basis of the criminal act, if proven, could constitute domestic violence.

602.4.4 If an officer receives complaints from two or more opposing parties, the officer must evaluate each complaint separately to determine if a crime has been committed by one or more persons. The officer is to consider the following:

a. Any prior complaints of domestic violence,
b. The relative severity of the injuries inflicted on each person,
c. The relative severity of damage to property,
d. The likelihood of future injury to the parties, or damage to property,
e. The possibility that one acted in self-defense.

602.4.5 An officer is authorized to use every reasonable means to protect the alleged victim and/or victim's children to prevent further violence. This includes transporting or arranging transportation to a shelter upon request. An officer is protected from liability for transporting a minor child to a shelter against the perpetrator's wishes.

602.4.6 The officer is to make reasonable efforts to collect and preserve

any pertinent evidence until the final disposition of the case, including but not limited to:

a. Communication Center audio recordings,
b. On scene photographs, video or audio recordings,
c. Authorization for and release of medical treatment records,
d. Any other physical evidence or witness statements,
e. 7th Judicial District Domestic Violence Victim Report Form and Case Summary.

602.4.7 It is the arresting officer's responsibility to complete a request for the Communication Center's audio recording to be preserved as part of the case evidence.

602.4.8 Officers shall advise all victims of domestic violence of the availability of a Victim Advocate.

602.4.9 The officer will notify the victim of their right to be notified of the release from custody of the perpetrator. The officer will complete the associated document available from the detention facility.

602.4.10 Officers will advise the suspect of C.R.S. 18-8-704 Intimidating a Witness or Victim, and C.R.S. 18-8-707 Tampering with a Witness or Victim.

602.4.11 Emergency Protection Orders: An officer can complete and make a request to a County/District Court Judge for an Emergency Protection Order C.R.S. 14-4-103.

a. With the assistance of the victim, the officer will complete the order, contact one of the above-mentioned Judges, and read the order to the Judge.
b. The officer must make and document a good faith effort to have personal service of the order, on the respondent.
c. A copy of the order will be given to the victim.
d. The order will be filed with the County/District Court as soon as practical after issuance.
e. If personal service is not completed, but the respondent has received notice of the existence and substance of such order, from any person, any act in violation of such order may be deemed by the court to be a violation of the order.

602.4.12 Restraining Orders

a. An officer is to use every reasonable means to enforce a Domestic violence restraining order and to arrest or seek a warrant for the restrained person when the officer has probable cause to believe that:
    1. The person violated or attempted to violate a restraining order,

and

2. The person had been properly served with a copy or received actual notice of the order.

b. A person violating a domestic violence restraining order is to be taken to the nearest jail or detention facility.

Source: CBMO
Standard:
Issued: January 15, 1997
Revised:

604 Identity Theft

604.1 Purpose and Scope

The purpose of this policy is to provide law enforcement agencies with protocols for completing identity crime reports, investigating identity crimes, and preparing cases for identity crime prosecution.

Identity crime is the fastest growing and most serious economic crime in the United States. Although identity crime presents unique challenges, law enforcement agencies have an ethical and professional obligation to assist identity crime victims and bring criminals to justice. This law enforcement agency shall take the following measures to respond to identity crime: 1) record criminal complaints; 2) provide victims with necessary information to help restore their pre-crime status; 3) provide victims with copies of reports as required by federal law; 4) work with other federal, state, and local law enforcement and reporting agencies as well as financial institutions to solve identity crime cases; 5) seek opportunities to increase community awareness and prevention of identity crimes; and 6) provide identity crime training to officers.

604.2 DEFINITIONS

Identity Crime: The fraudulent use of another person's identifying information—such as credit card, social security, or driver's license numbers—with the intent to facilitate other criminal activities or to obtain credit, goods, or services without the victim's consent. No financial loss is necessary.

Identity Theft Report: A police report that contains specific details of an identity crime is considered an identity theft report under section 605B of the Fair Credit Reporting Act (FCRA).

604.3 Legal Prohibitions

604.3.1 Federal

a. Identity Theft and Assumption Deterrence Act of 1998: Identity Crime is punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law."

b. Fair and Accurate Credit Transactions Act (FACT Act or FACTA) of 2003: Establishes requirements for consumer reporting agencies, creditors, and others to help remedy damages resulting from identity crimes. The FACT Act requires local law enforcement agencies to provide police reports to victims of identity theft. The FACT Act entitles consumers to obtain free credit reports once a year from each of the three credit reporting agencies.

c. Identity Theft Penalty Enhancement Act of 2004: Amends the Federal criminal code to establish penalties for a new crime: "aggravated identity theft".

604.3.2 State: Identity Crime is punishable under Colorado Revised Statute §18-5-902. Identity theft

604.4 Procedures

604.4.1 Completing Identity Crime Report

a. An identity crime report entitles an identity crime victim to certain important protections that will help the victim eliminate fraudulent debt and restore their credit to pre-crime status. Identity crime reports should be completed by police personnel (or the first officer that has contact with the victim), in person with the victim, and in the jurisdiction in which the victim is a resident. Recording all relevant information and data in such reports is essential to further investigation. Therefore, officers and/or supervisors should:
b. Obtain or verify identifying information of the victim including: date of birth, social security number, driver's license number, other photo identification, current and prior addresses, telephone numbers, and e-mail addresses.
c. Document the nature of the identity crime committed in the victim's name (i.e. when and how the crime was discovered, documents or information used in the crime, the manner in which the victim's identifying information was obtained, the financial institutions or related companies involved, etc.)
d. Determine what types of personal identifying information may have been used (i.e. social security number, driver's license number, birth certificate, credit card numbers, etc.) and whether any of these have been lost, stolen, or potentially misappropriated.
e. Determine whether the victim authorized anyone to use his or her name or personal information.
f. Determine whether the victim has knowledge or belief that specific person(s) have used his or her identity to commit fraud or other crimes. If so, obtain information about the suspected person(s).
g. Determine whether the victim is willing to assist in the prosecution of the suspects identified in the crime.
h. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the victim with a report number.
i. Determine if the victim has any additional documentation to support his or her claim or facilitate the investigation.
j. Provide the victim a copy of the completed identity crime report or the report number.
k. Forward the report through the chain of command to appropriate investigative officers and immediately to intelligence agencies (Fusion Centers, ICE, JTTF, etc.) and federal agencies, if it appears to have national security implications.

To avoid investigating a fraudulent identity crime complaint, local law enforcement agencies should conduct due diligence in their completion of identity crime reports. Otherwise, unless and until it develops that the complaint is fraudulent, identity crime complaints should be aggressively and fully investigated.

604.4.2 Assisting the Victim After the Identity Crime Report is Completed

a. Officers taking identity crime reports should take steps reasonably possible to help victims return to their pre-crime status. This includes providing victims with the following suggestions where appropriate:
b. Briefly describe the process that occurs after an identity crime report is completed (for example, the identity crime report will be assigned to an investigative officer, that officer will review the report and contact the victim with any follow-up questions or to conduct a detailed interview with the victim, the investigative officer will begin to gather evidence, etc.)
c. Provide the victim with contact information for a point of contact for his or her case. If possible, the point of contact should be the officer who completed the identity crime report or the assigned investigative officer. Advise the victim that he or she should allow ____ days before checking on the status of the investigation.
d. Provide the victim with the checklist in Addendum A.
e. Inform the victim of other available resources to help with recovery.

604.4.3 Investigating Identity Crime

Investigation of identity crime shall include, but not be limited to, the following actions where appropriate:

a. Interview the victim:
b. Review the identity crime report and conduct any follow-up inquiry of the victim for clarification or expansion of information.
c. Ask the victim to obtain a free credit report at www.ftc.gov/freereports, identify any fraudulent accounts on his or her credit report, and contact creditors to close those fraudulent accounts.
d. Ask the victim if he or she knows any addresses associated with any of the fraudulent accounts. This may help determine the jurisdiction where the suspect lives.
e. Ask the victim to provide a list of the creditors/merchants where the suspect has opened accounts in the victim's name.
f. Ask the victim if he or she has been a victim of theft (breaking & entering, larceny, auto theft, etc.) where their personal information may have been compromised or if the victim knows where his or her identity may have been compromised.

g. Suggest that the victim keep a log of his or her contacts with creditors/collection agencies to include the times and dates of the contact and purpose of the call.
h. Recommend the victim maintain contact with the agency where the report was filed and provide information obtained from credit checks related to additional crimes to that agency.

604.4.4 Contact the creditors/merchants/banks that have the fraudulent accounts:

a. Determine how the accounts were opened. If the account was opened through the internet, is there an IP address available? If the account was opened over telephone, did the financial institution capture the telephone number which was used to open the account. If the account was opened in person, identify the witness who opened the account for the suspect or the witness who conducted the transaction.
b. Request relevant information from the involved financial institutions (e.g. customer record, signature card, transaction history, application, any videos or photos, etc.)
c. Obtain statements from witnesses regarding the transaction and the suspect.

604.4.5 Gather additional information:

a. Contact other involved or potentially involved law enforcement agencies for collaboration to avoid duplication. These include any state and/or local enforcement agency with which the victim has filed a crime report or where there is an indication that the identity crime took place.
b. Contact the Federal Trade Commission (FTC) Consumer Sentinel law enforcement network and search the database for investigative leads.
c. Search the FTC Clearinghouse for other reported complaints that may be related to the case and contact other agencies in the area to determine if there have been similar crimes reported and possibly connected.
d. Determine the extent of compromise to the victim's identity.
   - Determine motive.
   - Conduct trash pulls, surveillance, photo lineups, interviews, computer forensics.
   - Run a criminal history and background check on the suspect, once a suspect is identified.
e. Use available databases to locate additional information or to tie the suspect to the victim.
f. Obtain search warrants (financial and residential), telephone records, and handwriting samples from the suspect.
g. If an IP address was obtained and used in the investigation, get a court order for the subscriber information.

604.4.6 Utilize investigative tools available on the internet. For example,

a. www.einformation.usss.gov
b. www.ftc.gov
c. www.idsafety.org
d. www.gethuman.com
e. www.rocic.com/links.htm
f. www.search.org/programs/hightech/isp
g. www.onguardonline.gov
h. www.accurint.com
i. www.atxp.com
j. www.nationalnanpa.com/index.html
k. www.blackbookonline.info/

604.5 Community Awareness and Prevention

Where reasonable and appropriate, officers shall provide the public with information on the nature and prevention of identity crime. This law enforcement agency shall develop and maintain a community awareness program to fully educate the public on identity crime prevention and the steps to take if identity crime does occur.

604.6 Identity Crime Training

This law enforcement agency shall develop and maintain an identity crime training program for its officers. There are several online identity crime training materials and resources available (e.g. www.idsafety.org). In addition, this law enforcement agency requires formal identity crime training through a certified course offered by the police officers standards training council and/or through courses developed by the IACP.

Source: *Nationwide Strategy to Prevent and Respond to Identity Crime* project, in cooperation with the International Association of Chiefs of Police (IACP) National Law Enforcement Policy Center. © Copyright 2008.
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IDENTITY CRIME
ADDENDUM A

☐ Advise the victim to keep a log of all conversations related to the crime and keep all correspondences related to the crime. This can be used as part of the victim impact statement during any subsequent court proceeding.

☐ Give the victim an Identity Crime Recovery Toolkit (www.idsafety.org) and advise them to visit www.idsafety.org for additional victim-related identity crime information.

☐ Advise the victim to cancel any fraudulent of compromised accounts. The victim must immediately close and dispute any unauthorized accounts whether those are credit card or charge accounts. The Federal Trade Commission (FTC) developed an "ID Theft Affidavit" that is accepted by many banks, creditors, other businesses and the credit bureaus. Direct the victim to www.consumer.gov/idtheft/ for a copy.

☐ Advise the victim to place a fraud alert on his or her credit report. The victim should contact one of the three credit bureaus to report the crime and place a fraud alert on his or her credit report: Equifax (800) 525-6285, www.equifax.com; Experian (888) 397-6122, www.experian.com; or TransUnion (800) 680-7289, www.transunion.com. Explain to the victim that once he or she places a fraud alert, he or she is entitled to free copies of his or her credit report.

☐ Advise the victim to visit the FTC's website and complete the FTC consumer complaint form at www.consumer.gov/idtheft/. Explain that the FTC is responsible for receiving and processing complaints from people who believe they may be victims of identity crime. The FTC provides informational materials to people impacted by identity crime and refers complaints to appropriate entities, including the major credit reporting agencies and law enforcement. Advise the victim to contact the FTC's Identity Theft Hotline at 1-877-IDTHEFT (1-877-438-4338) to receive telephone counseling from specially trained personnel to help them resolve credit-related problems that may result from the misuse of their identities. If the crime involves regular mail services, recommend that the victim contact the U.S. Postal Inspection Service at:
https://postalinspectors.uspis.gov/forms/MailFraudComplaint.aspx

606 Victim and Witness Assistance

606.1 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.

606.2 Policy

The Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the 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.

606.3 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.

606.3.1 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.
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.
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 available resources.
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 regard 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.

606.4 Officer Responsibilities

a. Provide to all victims of a VRA crime a Victim Rights Act brochure and offer victim advocate support on-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 officer's 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)

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.

606.4.1 Specific Requirements Regarding Victims

All reasonable attempts will be made to protect any victim or the victim's immediate family from harm, harassment, intimidation or retaliation arising from their cooperation in the reporting, investigation or prosecution of a crime. Additionally, members of this department should make reasonable efforts to minimize contact between the victim and the victim's immediate family and the defendant and the relatives of the defendant before, during and immediately after a judicial proceeding (CRS § 24-4.1-303(5)).

606.5 Department Functions

Members of the Department will comply with C.R.S. 24-4.1-302.5, Rights afforded to victims - definitions, as it applies to the 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.

606.5.1 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.

b. The assigned investigating case officer will be the primary contact for the Arrest Watch System. Individuals with an active arrest warrant meeting the system guidelines should be entered.

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).

606.7 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.

606.7.1 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).

606.8 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).

606.9 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 Marshal's Department. Such notifications will be performed in accordance with the Jurisdiction 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.

Source: CBMO
Standard: CACP 250.1, 250.2
Issued: January 15, 1997
Revised: January 16, 2021

608 Juveniles

608.1 Purpose and Scope

To provide a written directive covering procedures relating to the handling of police contacts involving juveniles. To comply with the letter, spirit, and intent of comprehensive state legislation relating to juveniles and diversion from or intake into the criminal justice system.

608.2 Definitions

Accused (Delinquent): Juvenile is accused of committing a crime or offense.

Adjudicated (Sentenced delinquent): Juvenile is found by the court to be guilty of a crime or offense.

Secure: When a juvenile is physically detained or confined in a locked room, or cell, or handcuffed to a stationary object. The juvenile is "not free to leave the building".

Non-offender: Juvenile who is dependent and neglected, abused, or with mental health needs.

Non-secure: The juvenile may be in custody but is "free to leave" the building.

608.3 Procedure

608.3.1 The Children's Code of the State of Colorado (Section 19-1-103 et seq., CRS) has specific requirements for most situations involving contacts between law enforcement agencies and juvenile offenders or abused or neglected children.

608.3.2 The Code also sets forth responsibilities and relationships between agencies dealing with these juveniles. In this regard, the Marshal's Department maintains a continuing program of coordination and cooperation with:

a. District (Juvenile) Courts
b. District Attorney's Office
c. Probation Department
d. Sheriff's Department
e. Human Services
f. Child Protective Team

608.3.3 The department shall maintain a list of social service agencies, within the Gunnison County area, that provide services to juveniles. Copies of

this list shall be available to each officer so they will be aware of the alternatives and resources available to them in dealing with juveniles. It shall be the responsibility of the Administrative Assistant to insure this list is updated periodically.

608.3.4 Contacts with juveniles are regularly made in both criminal and non-criminal situations. Because of this, responsibility for juvenile operations cannot be relegated to a single unit or small group of persons within the Marshal's department. Each patrol officer and investigator is accountable for the proper handling of juvenile problems within the framework of the Children's Code and the centralized diversion program operated by the Office of the District Attorney.

608.3.5 There are specific and clear statutory requirements to be met under the Colorado Children's Code. Topics covered, among others, are when custody can be effected, when and to whom notification of custody is required, evidentiary considerations for taking statements (interviews), when the use of summons is allowed, diversion programs, and use of detention and shelter facilities. Reference to the code, as presently structured or as it is amended, is essential in properly dealing with juveniles.

608.3.6 When dealing with juvenile offenders, officers of this department will use the least coercive means, among reasonable alternatives, consistent with preserving order, public safety, and individual liberty.

a. The usual alternatives are:
   1. Release on summons for violations of non-felony state traffic, game and fish, and parks and recreation laws or regulations, the offenses specified in section 18-13-121, C.R.S., concerning tobacco products, the offense specified in section 18-13-122, C.R.S., concerning the illegal possession or consumption of ethyl alcohol by an underage person; or municipal ordinances, the penalty for which may not include a jail sentence. Release on summons should include contact with parents for children under age 16 and may be used for children ages 16 & 17.
   2. Outright release, normally include a verbal warning and may include meeting with parents or guardian, without further action.
   3. Temporary custody pursuant to Section 19-2-201, CRS, with a release to the care of a parent or other responsible adult in accordance with Section 19-2-203, CRS.
   4. Temporary custody pursuant to Section 19-2-201, CRS, with detention in accordance with Section 19-2-203, CRS, Division of Youth Services operates the detention facility to be used by this department.

b. In determining which alternative to pursue, consideration should be given to:
   1. Nature of the offense.

2. Age and circumstances of offender.
3. Offender's record.
4. Recommendations of complainant or victim.

c. Whenever a juvenile is taken into custody;
   1. Notification must be made without unnecessary delay to a parent, guardian, or legal custodian in accordance with Section 19-2-203(1), CRS.
   2. If not released to the care of a parent or other responsible adult, the juvenile must be taken directly to court or to the place of detention or shelter without unnecessary delay in accordance with Section 19-2-203 (3)(b), CRS.
   3. For any custodial interrogation, including advisement of rights, the provisions of Section 19-2-210, CRS, govern the procedure to be followed. The duration of a juvenile interrogation shall not be longer than reasonably necessary and will not involve more than two officers at any one time. Procedures of this department and the juvenile justice system will be explained as part of the process.

608.3.7 Taking children into custody based on being a runaway or needing protection is covered by Section 19-3-401, CRS. The Department of Human Services, if not already involved, is the agency that assumes responsibility for the child from the Marshal's department.

608.3.8 Persons who are required to report child abuse or neglect, or circumstances or conditions that would lead to abuse or neglect, are listed in Section 19-3-304, CRS. Marshals of this department are covered by that listing.

608.3.9 The Administrative Assistant for this department is responsible for maintaining records of juveniles in accordance with Part 9, Article 2, Title 19, CRS, including but not limited to provisions for:

a. Separation of juvenile from adult records.
b. Court ordered expungement of records.
c. Limiting access to juvenile records.

608.4 Secure Juvenile Holding Log (JJDP act)

608.4.1 A "Secure Juvenile Holding Log" will be maintained and updated whenever a juvenile fits the assigned criteria.

608.4.2 Status and non-offenders shall never be placed in a secure setting (i.e. cell, whether or not the door is locked, a locked room, or handcuffed to a stationary object.)

608.4.3 "Secure" juveniles will be recorded on the holding log.

608.4.4 "Non-secure" juveniles may be handcuffed to themselves but not to a stationary object. They may be placed in an unlocked room. If they are held non-securely, do not record this on the holding cell log. Record only juveniles held in a secure setting.

608.4.5 Delinquents may only be held for up to six hours for processing purposes, or, for six hours before court and six hours after court. Once the six hour clock starts, it cannot be turned off (even if the juvenile is removed for brief periods of time) until the juvenile is permanently removed from the secure setting.

Source: CBMO
Standard: CACP 130.2, 130.2
Issued: January 15, 1997
Revised:

610 Undercover and Decoy Operations

610.1 Purpose and Scope

To provide a written directive for conducting vice and organized crime undercover operations which are an acceptable alternative means used during investigations of vice and organized crime. The decision to use undercover operations, as for any other method, is to be based on the factors and circumstances relating to a particular investigation. The safety of those involved will be a specific and constant factor for consideration in any undercover operation.

610.2 Undercover Procedure

610.2.1 Undercover operations require approval of the Chief Marshal. The officer proposing undercover operations must be able to show planning has been conducted that addresses:

a. Identification and examination of the activities of known or possible suspects.
b. Method to be used in contacting suspects.
c. Analysis of target area where operations will be conducted.
d. The requirement for undercover operations in conducting the investigation.
e. Method to be used in maintaining confidentiality of undercover officer's false identity.

610.2.2 After an undercover operation is approved, the Chief Marshal will be responsible for arranging the necessary:

a. Credentials and false identity.
b. Expense funds.
c. Equipment

610.2.3 Special attention will be given to ensure all officers involved are thoroughly briefed on:

a. The means established for routine and emergency communications (includes duress signals).
b. Procedures for security of the undercover officers.
c. When and how any arrests will be affected.

610.3 Decoy Operations

610.3.1 The decision to initiate a decoy operation will be based on an analysis of crimes, victims, locations, frequency of activity, probable offenders, methods of operation and other pertinent information.

610.3.2 All decoy operations will be directed and closely monitored by a supervisor. It shall be the supervisor's responsibility to ensure that:

a. Decoy officers are selected and equipped to resemble potential victims as much as possible.
b. No decoy officer shall be placed without an adequate number of backup officers nearby in visual and/or verbal contact.
c. Action or "bust" signals and emergency signals will be made known to, and acknowledged by, all personnel prior to the operation.
d. All decoy operation plans are reviewed with appropriate legal authorities (usually prosecutors) prior to beginning operation.
e. All personnel involved in the operation are thoroughly briefed and are aware of their assigned specific duties and responsibilities prior to the commencement of the actual operation.
f. Any special equipment needed is available and in good working order and is operated by qualified personnel.
g. The supervisor(s) in charge of any on duty patrol officers and the dispatcher on duty shall be notified in advance when any decoy operation is initiated. Should their assistance be required, they will be given specific instructions for their involved personnel.

610.3.4 In view of the technicalities and complexities of law enforcement use of undercover operations, legal assistance and advice from the Office of the District Attorney should be an integral part of any undercover operations where circumstances outside the norm are encountered.

610.3.5. The Chief Marshal is charged with maintaining close supervision of unit undercover operations. Supervisors must insist on timely and complete reports. Necessary corrective actions will not be delayed.

Source: CBMO
Standard: CACP 150.1
Issued: January 15, 1997
Revised: 5/6/2014

612 DNA Samples

612.1 Purpose and Scope

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under Colorado law. The principal purpose of the DNA database is to assist a federal, state or local criminal justice agency in the investigation or prosecution of offenses in which biological evidence is recovered (CRS § 16-23-102).

612.2 Definitions related to this policy include (CRS § 18-1-1101):

Disposed of Means evidence is destroyed, thrown away or returned to the owner or his/her designee.

DNA Means deoxyribonucleic acid.

DNA evidence Means all evidence collected in a criminal investigation, which evidence may be reasonably believed to contain DNA that is relevant to a disputed issue in the investigation and prosecution of the case.

DNA profile Means an identifier obtained as a result of a specific DNA analysis.

612.3 Persons Subject To DNA Collection

The courts may order DNA samples taken in a variety of circumstances. Members of this department are authorized to obtain DNA samples from those qualifying persons (e.g. court order, consent or a search warrant).

Only those qualifying individuals whose DNA information is not currently on file with the state of Colorado Bureau of Investigation may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection flag on the individual's criminal history record or, during regular business hours, by calling the Bureau of Investigation. All DNA collection flags should be verified by contacting the Colorado Bureau of Investigation prior to the collection of the sample (CRS § 16-23-103(4)).

A second DNA sample may be ordered by the court to be collected from an individual in a criminal investigation if forensic DNA evidence is necessary.

612.3.1 Felony Offenses

As part of the booking process, or later if impractical during booking, a biological DNA sample must be collected on every adult arrested or charged with a felony on or after September 30, 2010 (CRS § 16-23-103(1) and CRS 16-23-103(3)).

612.4 Procedure

Upon a determination that any individual is qualified and required to provide DNA samples under Colorado law, the designated trained employee shall obtain DNA samples in accordance with this policy and proper protocol.

612.4.1 Blood Samples

A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician or other person licensed by the state for this purpose.

612.4.2 Buccal Swabs

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed approved training in the collection of buccal swabs and with the use of approved buccal swab collectors. A thumbprint shall be placed on the collector along with other required identifying information, such as the DNA Buccal Swab Database Card.

612.4.3 Full Palm Prints and Photographs

If the offender has not been fingerprinted and photographed, full palm print impressions shall be obtained on the prescribed forms and the offender shall be photographed. Both the fingerprints and the photographs shall be forwarded to the Colorado Bureau of Investigation (see generally CRS § 16-21 -104).

612.4.4 Use of Force to Obtain Samples

An authorized employee may use reasonable force against an individual who is required to provide a DNA sample when and to the degree the employee reasonably believes the force is reasonably necessary to collect the sample (CRS § 16-23-103(5)).

a. If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, an authorized employee of this department may use reasonable force to obtain such sample under the following conditions:
    1. Prior to the use of reasonable force, the authorized employee shall take and document reasonable steps to secure voluntary compliance.
    2. Prior to the use of reasonable force, the authorized employee shall obtain written authorization from a supervisor, which shall minimally include that the individual was asked to provide the sample and refused.

b. If the circumstances appear that the force required to obtain the sample may be excessive or unnecessary and is therefore unreasonable, the employee should stop the attempt and promptly complete an information report on the effort (CRS § 16-23-103(3)). In the report, he/she should at a minimum:
    1. Identify the persons present.
    2. Provide a description of the effort to obtain the DNA sample and the behaviors of the subject that prevented acquisition of the sample.

3. Submit the report to a supervisor. The supervisor should, no later than the next business day, forward the report to the prosecuting attorney with a cover letter requesting that the court order the subject to submit to the acquisition process, thereby making any noncompliance in contempt of the court.

This letter is a request for authorization from the court to employ an alternative method of sampling that will allow officers/deputies to obtain a sample with no or minimal force, including but not limited to, sedation and sampling by a medical professional. For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, reasonable, trained and competent authorized employee faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

612.5 Processing DNA Samples

All DNA samples and related materials shall be promptly forwarded to the Colorado Bureau of Investigation or accredited DNA laboratory using the Colorado Bureau of Investigation mailing tubes, labels and instructions for prompt analysis (CRS § 16-23-103(6), CRS § 16-23-104).

612.5.1 Sufficient Sample

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104(2)). If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, the property and evidence custodian shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

612.5.2 Notice of A Rejected Sample

In the event the Colorado Bureau of Investigation notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these samples as required.

612.5.3 Follow up Notice to the Bureau of Investigation

Within two years of submitting any DNA specimen, this department shall notify the Colorado Bureau of Investigation whether the individual remains a suspect in a criminal investigation. It shall be the responsibility of the Colorado Bureau of Investigation to thereafter purge samples of any individual who is no longer a suspect in any criminal investigation from the DNA database.

612.5.4 Records, Retention and Preservation

The Department shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

a. DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).
b. Except as provided in CRS § 181-1-105, CRS § 18-1-1106 and CRS § 18-1-1 107, 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 § 18-11-103(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)).

612.6 Record Security

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes.

612.7 Litigation

The Chief Marshal or the authorized designee shall immediately notify the Colorado Bureau of Investigation's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

612.8 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).

612.9 Disposition of DNA Evidence

In cases described in CRS § 18-1-1102(1)(c) and CRS § 18-1-1102(1)(d), the department may seek to dispose of DNA evidence by providing notice to the District Attorney who prosecuted the charges (CRS § 18-1-1105(2)). If the District Attorney determines that the DNA evidence should not be disposed of, the District Attorney will provide notice. Upon receipt of the notice, the department shall preserve the DNA evidence until such time that a court order is obtained to dispose of the DNA evidence (CRS § 18-1-1105(4)). If the department does not receive notice from the District Attorney within a reasonable amount of time, the department may file a motion with the

court that entered the conviction in the case, asking for a court order to dispose of the DNA evidence. The department may not request permission to dispose of DNA evidence in cases described in CRS § 18-1-1102(1)(a) and CRS § 18-1-1102(1)(b) (CRS § 18-1-1105(1)).

612.9.1 Disposition of Victim DNA Evidence

If DNA evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the DNA evidence may be returned. If the District Attorney determines the DNA evidence may be returned, the District Attorney may file a petition with the court for the return of the DNA evidence. Upon proper receipt, the department will release DNA evidence belonging to the victim (CRS § 18-1-1107).

612.10 Training

All deputies are required to complete DNA training, such as that provided by the Colorado Peace Officer Standards and Training (POST) online training module (CRS § 24-3-1311).

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614 Crime and Disaster Scene Integrity

614.1 Purpose and Scope

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

614.2 Crime Scene Responsibilities

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Deputies shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the deputy shall continue the assignment until relieved by a supervisor.

614.2.1 First Responder Considerations

The following list generally describes the functions which the first responder should reasonably attempt to take 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, the availability of resources, capacity of personnel and totality of each circumstance:

a. Ensure no suspects are still in the area.
b. Broadcast emergency information, including all requests for additional assistance.
c. Provide first aid to injured parties if it can be done safely.
d. Evacuate the location as required.
e. Identify hazards or dangerous conditions to responding personnel.
f. Secure the inner and outer perimeter if needed.
g. Protect items of apparent evidentiary value.
h. Identify potential witnesses.
i. Start a chronological log noting critical times and personnel allowed access.
j. Prevent unauthorized access of personnel, the media or the public.

614.2.2 Execution of Health Orders

Any certified member of this department is authorized to execute and enforce all orders of the local health officer, which have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease.

614.3 Searches at Crime or Disaster Scenes

Deputies 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 pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

614.3.1 Consent

Officers should obtain consent to search from authorized individuals where possible, but should also consider obtaining consent and a search warrant in the case of serious crimes or major investigations.

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616 Missing Persons Reporting

616.1 Purpose and Scope

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. State law, as well as federal law under 42 USC 5779(a), specify certain requirements relating to missing persons (CRS § 16-2.7-101, et seq.).

616.2 Definitions related to this policy include (CRS 16-2.7-101and 24-33.5-415.8)

DNA Deoxyribonucleic acid

Missing person A person whose whereabouts are unknown and whose safety or welfare is the subject of concern.

Missing person with developmental disabilities A person with a verified developmental disability domiciled in Colorado, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person.

Missing senior citizen A person aged 60 or older with a verified developmental disability domiciled in Colorado, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person.

616.3 Report Acceptance

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. A missing person report shall be accepted if (CRS § 16-2.7-102(2)):

a. The missing person resides within this office's jurisdiction and the last known location is his/her residence or is unknown.

b. There is credible information indicating that the missing person was last believed to be within this office's jurisdiction. Department personnel are not required to accept a missing person report if the person is the subject of a missing person report under investigation by another law enforcement agency within Colorado (CRS § 16-2.7-102(5)). If the location where a person has been missing or was last seen cannot be clearly and easily established, the local law enforcement agency having jurisdiction over the missing person's last known residence should take the report. In any instance where there is a disagreement over reporting responsibility that is not immediately resolved, it is the policy of this department to promptly take and investigate a missing person report. Any investigation completed and information obtained in a case that is ultimately the responsibility of another jurisdiction shall be recorded in an incident report, including information regarding the determination of jurisdiction, and forwarded to the appropriate agency.

616.4 Initial Response and Investigation

Patrol personnel should be assigned to handle the initial missing person report and conduct a preliminary investigation involving additional resources as necessary. The handling deputy shall immediately contact such persons and, using interpretive services as reasonably necessary, make inquiries concerning the missing person and make an assessment of reasonable steps to be taken to locate the person. Initial investigation should include:

a. Interviewing the persons who made the initial report, and if the person is a child, the child's parent or guardian.
b. Determining when, where and by whom the missing person was last seen.
c. Interviewing the individual who last had contact with the person.
d. Obtaining a detailed description of the missing person, abductor, vehicles and other pertinent information.

616.5 Investigative Procedures and Diligence

If an initial investigation reveals that a person appears to be missing, further actions may be necessary. Determine from the information available whether a physical search is appropriate. If it appears that the situation is one of a missing person, a person whose safety appears endangered or missing children, each of the following actions should be performed:

a. If a search is warranted, conduct a search of the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.
b. If a search is not warranted or does not locate the missing person, additional investigation may be required, including:
    1. A neighborhood/vehicle canvas.
    2. Identifying persons at the scene and conducting separate interviews.
    3. Documenting actions, telephone communications and other activities.
    4. Assigning an investigator or officers whose duties will include coordination of the investigation.
    5. Involvement of the media.

During missing person investigations, the handling investigator shall attempt to obtain the most recent photograph available of the missing person. The photograph will be forwarded to the Colorado Bureau of Investigation. This photograph may be used for public information bulletins without written authorization.

616.5.1 Investigative Resources and Support

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Personnel providing assistance should be properly briefed and updated on the investigation status. The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with

any information that may aid in the location and return of the missing person or a person whose safety appears endangered. If necessary, use the International Justice & Public Safety Network (NLETS), the AMBER™ Alert network and the Silver Alert network to alert state, regional and federal law enforcement agencies.

616.5.2 Investigation of Missing Senior Citizens and Missing Persons With Developmental Disabilities

If it is determined that the missing person is a senior citizen or a person who is developmentally disabled, the handling officer shall immediately:

a. Obtain documentation regarding the person's mental condition (CRS § 24-33.5-415.8).
b. Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the National Crime Information Center (NCIC) system for persons under 21 years of age (42 USC 5779(a)).
c. Ensure the information is broadcast regionally, statewide and nationally, or solicit the assistance of the Colorado Bureau of Investigation to make the broadcasts.
d. Consult with the Colorado Bureau of Investigation and request assistance as necessary.
e. Secure the crime scene and/or the last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.
f. Implement multijurisdictional coordination and mutual aid plans when necessary. Factors to consider include:
    1. Inadequate Office resources.
    2. The investigation crosses jurisdictional lines.
    3. Existence of pre-established task forces or investigative teams.
g. Notify the family of services provided by the Colorado Bureau of Investigation.
h. Obtain and protect uncontaminated missing person scent articles for possible use by search canines.
i. Activate protocols for working with the media including AMBER Alert and/or Silver Alert.

616.5.3 Crime Scene Investigation and Management

If a crime scene is identified, it should be secured and a command post or operation base placed into operation a reasonable distance from the crime scene. Staff and assign the responsibilities for Command Post Supervisor, Press Information Officer, Search Coordinator, Investigative Coordinator, Communication Officer and Support Unit Coordinator. Provide two liaison officers (one at the command post and one at the home). The role of the liaison at the home will include facilitating support and advocacy for the family. The investigation of the crime should consider various elements, including:

a. Establishing the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for Office use and follow up on all leads.
b. Compilation of a list of known sex offenders in the region.
c. In cases of infant abduction, investigate claims of home births made in the area.
d. In cases involving children, obtain child protective agency records for reports of child abuse.
e. Review of records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.
f. Obtaining the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.
g. Creating a missing person profile with detailed information obtained from interviews of family and friends, and records describing the missing person's heath, relationships, personality, problems, life experiences, plans, equipment.
h. Update the NCIC file, as necessary, with any additional information, regarding the missing person, suspect and vehicle.
i. Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers and others.
j. For persons under the age of 21, contacting the National Center for Missing and Exploited Children for photo dissemination and other case assistance.
k. Determination if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:
    1. Available search and rescue resources
    2. Investigative resources
    3. Interpretive services
    4. Telephone services, such as traps, traces and triangulation
    5. Media assistance from local and national sources
l. Use of secure electronic communication information, such as the missing person's cell phone number, email address and social networking site information.
m. Appointing an officer who shall be responsible to communicate with the family/reporting party or their designee, and who will be the primary point of contact for the family/reporting party or the designee. Provide contact information and the family information packet (if available) to the family/reporting party or the designee.

616.6 Report Handling

Missing person reports require special handling and timely notifications. Information that is not immediately available and obtained at a later time shall be documented in a supplemental report as required. Notification and entry into the state database of the Colorado Bureau of Investigation and the NCIC file shall be conducted as soon as reasonably possible by the handling investigator pursuant to state and federal laws:

a. If the missing person is 18 years of age or older, the entry should be completed once the person has been missing for 24 hours or more (CRS § 16-2.7-103).
b. If the missing person is under the age of 18, the entry should be completed as soon as possible but no later than 24 hours after obtaining the information (CRS § 24-33.5-415.1(3) and CRS § 16-2.7-103).
c. If the missing person is developmentally disabled and 18 years of age or older or a senior citizen, the entry should be completed once the verification of mental condition has been established (CRS § 24-33.5-415.8).

At any time a missing person report is made, the deputy shall complete a dental and medical release form that will be provided to the reporting party. If the form is properly endorsed, the completed form shall be attached to the missing person report. For cases involving missing children, the investigator shall comply with state and federal laws regarding the reporting and investigation of these cases. The investigator shall send a missing child report containing identifying and descriptive information to the Colorado Bureau of Investigation as soon as possible but no later than 24 hours after obtaining the information (CRS § 24-33.5-415.1(3) and CRS § 16-2.7-103).

616.6.1 Transmitting Reports to Other Jurisdictions

When the Crested Butte Marshal's Office takes a missing person report on a person who lives outside of this jurisdiction, Records shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 18 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

616.6.2 Electronic Notifications

When a missing person is under the age of 21, Records shall send electronic notification to the Department of Public Safety and the NCIC within two hours after accepting the report (42 USC § 5779(a) and 42 USC § 5780(3)). To assist the Department of Public Safety, the electronic notification must note if the case involves a person whose safety appears to be endangered.

616.7 Missing More Than 30 Days

In any case where a person remains missing more than 30 days from entry into the NCIC, the Department will prepare for release when contacted by the Colorado Bureau of Investigation the following information for entry into appropriate databases, unless it has been previously released:

a. DNA samples from family members and, if possible, from the missing person
b. Dental information and x-rays
c. Additional photographs and video that may aid the investigation or identification
d. Fingerprints
e. Other specific identifying information

If a person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person's safety appears endangered. Update the record in NCIC to reflect the status change as soon as practicable.

616.7.1 Missing More Than 45 Days

If a person is still missing after 45 days, the handling investigator must check with the appropriate medical examiner and send to the U.S. Department of Justice (USDOJ) a photograph and dental records, and verify and update the record with any additional information as warranted. If dental records are unobtainable, this should be noted. This must be completed no later than 60 days after the report is filed.

616.7.2 Prolonged Missing

If a person is still missing after a prolonged period, generally exceeding 45 days, the handling investigator should review the case and consider whether the following recommended actions should be performed:

a. Develop a profile of the possible abductor.
b. Consider the use of a truth verification device for parents, spouse and other key individuals.
c. Reread all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and reexamine all physical evidence collected.
d. Review all potential witness/suspect information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.
e. Periodically check pertinent sources of information about the missing person for any activity, such as phone, bank, internet or credit card activity.
f. Develop a timeline and other visual exhibits.
g. Critique the results of the ongoing investigation with appropriate investigative resources.
h. Arrange for periodic media coverage.
i. Consider utilizing rewards and Crimestoppers programs.
j. Update NCIC Missing Person File information, as necessary.
k. Contact the National Center for Missing and Exploited Children for age progression assistance.
l. Maintain contact with the family and/or the reporting party or their designee, as appropriate.

616.8 Missing Persons Located

When a missing person is located, the appropriate actions related to the type of recovery are required:

a. When a missing person is located alive, the investigation may be concluded after completion of the following:

1. Verification that the located person is the reported missing person.
2. Notification of the Colorado Bureau of Investigation as soon as possible for a missing child, a missing senior citizen or a person with developmental disabilities.
3. If appropriate, arranging for a comprehensive physical examination of the victim.
4. Conducting a careful interview of the person, documenting the result of the interview and involving all appropriate agencies.
5. Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be informed of this information.
6. Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or the family/reporting party.
7. Canceling alerts (AMBER Alert or Silver Alert), removing the case from NCIC and other information systems and removing posters and other publications from circulation.
8. Performing a constructive post-case critique, reassessing the procedures used and updating the Department policy and procedures as appropriate.

b. When a missing person is located and is deceased, additional investigation includes the following:
   1. Securing the crime scene if this Department has jurisdiction.
   2. Contacting the coroner, medical examiner or forensic anthropologist to arrange for body recovery and examination.
   3. Collecting and preserving any evidence at the scene.
   4. Depending on the circumstances, considering the need for intervention, counseling or other services for the family/reporting party.
   5. Canceling alerts and removing the case from NCIC and other information systems, removing posters and other publications from circulation.
   6. Performing a constructive post-case critique, reassessing the procedures used and updating the Department policy and procedures as appropriate.

616.8.1 Recovered Missing Data Entry

When a missing person who was reported by another jurisdiction is located, the Department shall notify the original law enforcement agency having jurisdiction over the investigation and that agency shall cancel the entry from the NCIC computer. When this Office discovers that a missing person whose investigation is being handled by this Office has been found, Records shall cancel the entry in the NCIC. If a missing person under the age of 21 is located, the investigator must ensure that an electronic notification is sent within 24 hours to the USDOJ.

616.8.2 Deceased Found To Be a Missing Person

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

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618 Death Investigation

618.1 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.

618.2 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 Deputy Coroner. A supervisor shall be notified in all death investigations.

618.2.1 Coroner Request

The Coroner shall be called in all deaths (CRS § 30-10-606(1)).

618.2.2 Searching Dead Bodies

The Coroner or an assistant 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.

618.2.3 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 deputy assigned to the incident. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers 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.

618.2.4 Death Investigation Reporting

All incidents involving a death shall be documented on the appropriate form.

618.2.5 Suspected Homicide

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Chief Marshal 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 Chief Marshal 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, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

618.2.6 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.

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620 Asset Forfeiture

620.1 Purpose and Scope

This describes the authority and procedure for the seizure and forfeiture of property. This policy applies to seized and forfeited property in the form of real, personal, tangible or intangible property pursuant to the Colorado Public Nuisance Abatement Act and the Colorado Contraband Forfeiture Act (CRS § 16-13-302, et seq. and CRS § 16-13-501, et seq.).

620.2 Definitions related to this policy include (CRS § 16-13-502):

Contraband article Includes any controlled substance, any imitation controlled substance, any drug paraphernalia or the possession of any drug prohibited by the laws of Colorado.

Proceeds traceable or traceable proceeds Includes all real and personal property, which is proceeds attributable to, derived from or realized through any unlawful act involving a contraband article.

620.3 Asset Seizure Authority

An officer of this department may seize and hold property when there is probable cause to believe that property or articles are contraband and the seizure is incident to a lawful search or as directed by the court (CRS §16-13-308(1)(a)(I), CRS §16-13-309(3) and CRS § 16-13-504).

620.4 Asset Forfeiture Procedure

Before seizing any currency, vehicle or personal property, the following guidelines will be observed:

a. The seizing officer shall interview all involved persons concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.

b. Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

D The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit.

620.4.1 Seized Property

Any property seized subject to forfeiture will be inventoried and booked into the Evidence Room.

The property will be checked through the automated property system to determine if the property has been stolen. Reasonable diligence in securing the property is required.

The property will be booked as evidence on a separate property form, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." No other evidence from the case should be booked on this form.

620.4.2 Seized Currency

Currency seized subject to forfeiture will be counted in accordance with the Cash Handling, Security and Management Policy [624]. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and the total amount of currency enclosed noted on the money envelope. The officer counting and the employee verifying the money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag that contains the currency.

Currency seized will be given to and retained by a supervisor for deposit into the designated fund. If there is a need to book the currency into evidence/property, the currency will be booked on a single property form noting "Seized Subject to Forfeiture" in the comments section of the property form. The seizing officer shall notify the Chief Marshal of the booked currency and the circumstances of the seizure as soon as possible.

Currency may be deposited in an interest bearing account designated for holding seized currency if so ordered by the court upon motion of any party (CRS § 16-13-510).

620.4.3 Seized Boats and Motor Vehicles

Vehicles, watercraft or aircraft seized subject to forfeiture will be taken to a designated storage facility appropriate for the storage of the item in a manner consistent with the Vehicle Towing Policy. A seized vehicle should not be impounded.

If the vehicle cannot be operated, a tow truck or trailer will be used to tow the boat or motor vehicle to the storage facility. Personal property located in a seized boat or motor vehicle shall be removed and booked into property as either evidence or for safekeeping.

If a rented motor vehicle is seized, the Department shall notify the motor vehicle rental company of the seizure. A rented motor vehicle shall be returned to the rental company unless the vehicle must remain in custody for evidentiary purposes or if there is probable cause to believe the rental company had knowledge or notice of the criminal activity (CRS § 16-13-315(3) and CRS § 16-13-504(1.5)).

620.5 Property Forfeiture Log

A detailed internal control inventory of all asset forfeiture cases shall include no less than the following:

a. The case number
b. Items seized
c. The amount of property acquired
d. The date the property was acquired
e. The value of the property
f. The type of seizure
g. The disposition of the property, which includes at minimum:
    1. The manner in which property was disposed.
    2. The date of disposition.
    3. Detailed financial records concerning any property sold.
    4. The name of any person who received the property.

Information maintained on the log will be provided to the Chief or authorized staff, as requested.

620.6 Asset Disposition

Assets shall be disposed of pursuant to state law and may include (CRS § 16-13-311 and CRS § 16-13-506):

a. Retention by the Department.
b. Destruction.
c. Public sale.
d. Other disposition pursuant to applicable provisions of Colorado law.

Members of this department or persons related to members of this office by blood or marriage are prohibited from purchasing forfeited items sold by this office (CRS § 16-13-302(g)).

620.7 Distribution of Proceeds From Forfeiture

Forfeited property sold shall be distributed pursuant to state law (CRS § 16-13-311(3) and CRS § 16-13-506).

All forfeiture proceeds must be applied first to satisfy any established claims and allocated in the following manner:

a. Reimbursement for costs associated with the forfeiture action, injury or property damage as a result of the acts which resulted in forfeiture.
b. Any special account established pursuant to Colorado law.
c. Equitably between agencies involved in the seizure and directed by the court.
d. To a person who petitions the court and suffered bodily injury or property damage as a result of the acts which resulted in forfeiture.

Any monies received shall be deposited to a special account established for asset seizure monies of this department. The Crested Butte Marshal's Office shall not use or expend the proceeds of any forfeited property until approved by the Committee on the Disposition of Forfeited Property pursuant to CRS § 16-13-702.

620.8 Forfeiture Reporting

The Office shall prepare a report covering any forfeiture proceeds (CRS § 16-13-302(2)(f) and CRS § 16-13-501.5(2)(e)). Each quarter the Deputy Chief Marshal shall provide a report of the approximate value, receipt and use of forfeiture proceeds with the Town Finance Director. At a minimum, the report should include the following information:

a. The amount forfeited
b. The statutory authority for the forfeiture
c. The date of the forfeiture
d. Whether the forfeiture was contested
e. A brief description of the circumstances involved
f. Identification of all boats, motor vehicles and firearms, including the number, make, model, and serial number of the items seized
g. The manner of disposition
h. For driving under the influence forfeitures, whether the forfeiture was initiated as an administrative of judicial forfeiture.

If forfeiture proceeds are received from a federal forfeiture action, the Assistant Chief Marshal shall submit a copy of the report to the Department of Local Affairs (CRS § 16-13-701(3)).

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622 Confidential Informants

622.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Crested Butte Marshal's Office and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

622.2 Definitions

Confidential informant A person who provides information about criminal activity to law enforcement officers, whose identity is privileged in order to insulate the informant from retribution by those involved in crime.

622.3 Informant File System

The Investigator or the authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

622.3.1 File System Procedure

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and shall include the following information:

a. Informant's name and/or aliases
b. Date of birth
c. Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos or other distinguishing features
d. Current home address and telephone numbers
e. Current employer, position, address and telephone numbers
f. Vehicles owned and registration information
g. Places frequented
h. Informant's photograph
i. Evidence that a criminal history check has been made
j. Briefs of information provided by the informant and his/her subsequent reliability; if an informant is determined unreliable, the informant's file will be marked as "Unreliable."
k. Name of deputy initiating use of the informant
l. Signed informant agreement
m. Update on active or inactive status of the informant

The informant files shall be maintained in a secure area within the Investigations Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of investigators or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief, Assistant Chief Marshal, the Investigator or their authorized designees.

622.4 Use of Informants

Before using an individual as a confidential informant, an officer must receive approval from the Investigator. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

622.4.1 Juvenile Informants

The use of juvenile informants under the age of 13 years is prohibited. A parent or legal guardian's written consent shall be secured prior to the use of any juvenile informant between the age of 13 and 17. Final approval to use a juvenile informant must be obtained from the Chief or the authorized designee.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this office, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

622.5 Guidelines for Handling Confidential Informants

All confidential informants are required to sign and abide by the provisions of the Department informant agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant. Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

622.5.1 Relationships with Confidential Informants

No member of the Crested Butte Marshal's Office shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Crested Butte Marshal's Office shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be met:

a. Officers shall not withhold the identity of an informant from the Chief Marshal, Deputy Chief Marshal, or Investigations Supervisor.
b. Identities of informants shall otherwise be kept confidential.
c. Criminal activity by informants shall not be condoned.
d. Informants shall be told they are not acting as police officers or deputies, employees or agents of the Crested Butte Marshal's Office and that they shall not represent themselves as such.

e. The relationship between deputies and informants shall always be ethical and professional.
f. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval.
g. Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval. Officers may meet informants alone in an occupied public place, such as a restaurant. When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another officer whenever reasonably possible.
h. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

622.6 Narcotics Informant Payment Procedures

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

622.6.1 Payment Procedure

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

The Investigator will discuss the above factors with the Chief or Assistant Chief Marshal and arrive at a recommended level of payment. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15 percent.

622.6.2 Cash Disbursement Policy

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.

a. When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of $1,000.
b. A confidential informant may receive a cash amount for each quantity of drugs seized, whether assets are also seized, not to exceed a maximum of $300.

622.6.3 Payment Process

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Chief or the authorized designee and the Town Manager or the authorized designee are required for disbursements over $500. The disbursement of money shall be handled in accordance with established state law and Town policies, ordinances and protocols. Payments of $500 and under may be paid in cash out of the buy/expense petty cash fund. The Investigations Supervisor will be required to sign the voucher for amounts under $500.

The buy/expense petty cash fund is a petty cash fund managed by the Chief Marshal in compliance with the Cash Handling Security and Management Policy. These funds shall be maintained in a locked cash box that is secured in a locked safe.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Crested Butte Marshal's Office case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

622.6.4 Reporting Of Payments

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.60411). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant, then IRS Form 1099 should not be issued. In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income," and shall be required to return a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file (26 CFR § 1.60413).

622.6.5 Audit of Payments

At least once every six months the Chief or the authorized designee shall conduct a thorough audit of all informant funds for the purpose of accountability

and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

Source: Lexipol, LLC 2011
Standard: N/A
Issued: 5/6/2014
Revised:

624 Cash Handling, Security and Management

624.1 Purpose and Scope

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and to ensure the public trust.

624.2 Petty Cash Funds

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the Records Manager and Chief Marshal. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

624.3 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 or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

624.4 Petty Cash Audits

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit 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 Marshal.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate petty cash audit by those persons involved in the transfer. A separate audit by the Chief or the Town Manager should be completed on a random date approximately once each year on each petty cash fund.

624.5 Routine Cash Handling

Members of the Department authorized to routinely handle cash as part of their assignment are property officers and the Investigations Supervisor. Routine cash handling shall be pursuant to their specific policies (see the Confidential Informants Policy and Property Procedures Policies).

624.6 Other Cash Handling

Members of the Department who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling

duties shall, as soon as reasonably practicable, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Cash in excess of $1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry.

Source: Lexipol, LLC 2011
Standard: N/A
Issued: 5/6/2014
Revised:

626 Sex Offender Registration

626.1 Purpose

The purpose of this policy is to clearly establish roles and responsibilities of Department personnel in the registration of registered offenders, and to ensure that the Department establishes and maintains a clear process to facilitate compliance with registration requirements.

626.2 Policy

It will be the responsibility of the Investigations Supervisor to ensure the following:

a. All assigned employees receive appropriate training regarding the sex offender registration process.
b. As part of the registration process, sex offenders have direct contact with an investigator, when available, to facilitate a proper threat assessment.
c. A system is established and maintained that will reasonably accommodate registrants as they seek to register. The system should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance.
d. An information dissemination process is established and maintained to provide personnel with timely updates regarding new registrants or registrants who have relocated.
e. A process is established and maintained to legally verify that a registrant remains in compliance with his/her registration requirements after the initial registration

626.3 Registration Process

This department shall comply with the duties and use the required forms as prescribed by the Colorado Bureau of Investigation (CRS § 16-22-109).

Source: Lexipol, LLC 2011
Standard: N/A
Issued: 5/6/2014
Revised:

628 Field Identification and Photo Arrays

628.1 Purpose and Scope

Valid eyewitness identifications are crucial to solving crimes and convicting criminals. Complying with these procedures will ensure better results. Failure to comply with these procedures will make even good identifications more likely to be rejected in court.

Ideally, the officer conducting any photo or live line-up should not know the identity of the suspect; the officer who doesn't know the suspect from the fillers cannot influence the process. Line-ups will be conducted sequentially and not simultaneously. The officer will show the witness only one photo or one person at a time.

628.2 Eyewitness Identification Protocol

628.2.1 Wherever possible, the officer conducting a line-up should not know the identity of the suspect. It is recognized that in some cases this will simply not be possible because no other appropriate officer is available. In these cases, the investigating officer can conduct the line-up using extreme care not to communicate the identification of the suspect in any way.

Wherever possible, an officer who does not know the identity of the suspect should conduct the interview.

628.2.2 In all cases, show the witness the photos or persons comprising the line-up *sequentially* not *simultaneously*.

628.3 Conducting a Sequential Line-Up

628.3.1 Assemble the suspect(s) photo and at least five fillers. If it is a live line-up then secure the suspect and at least five fillers in the normal manner. Make sure the witness cannot see either the suspect or the fillers. Arrange the six in random order. Record this order. Admonish the witness in compliance with current training and policies:

a. He/she will be asked to view a set of individual photographs.
b. It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.
c. Individuals may not appear exactly as they did on the date of the incident as head and facial hair are subject to change.
d. The person who committed the crime may or may not be shown.
e. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.
f. The procedure requires that the investigator ask the witness to state, in his or her own words, how certain he or she is of any identification.

628.3.2 Instruct the witness that:

a. Photos/persons will be viewed one at a time.

b. Photos/persons will be presented in random order.
c. The witness may take as much time as needed in making a decision about each person before moving on to the next one.
d. The witness should identify the person who committed the crime, if present.
e. All persons will be presented, even if an identification is made.
f. If the witness wishes to view the photos/persons again, he or she may do so.

628.3.3 Conduct the sequential line-up as follows:

a. Confirm that the witness understands the nature of the sequential procedure.
b. Present each photo/person to the witness separately in a previously determined and random order.
c. Remove each photo/person before presenting the next one.
d. Record both positive identification and non-identification results in writing, including the witness' own words regarding how sure he/she is.
e. Ask the witness to sign and date the results.
f. Document, in writing, the lineup procedure, including:
    1. Identification information and source of all photos/persons used;
    2. Names of all persons present at the lineup;
    3. Date and time of procedure.
g. If the witness picks out the very first photo/person, note the witness' identification and degree of certainty, but show the witness all the photos/persons.
h. If the witness wants to see a particular photo again, you must show all the photos/persons again in random order. The witness can spend as much and as little time on any one photo/person that he or she wants.

628.3.4 Live Lineup

The same procedure may be used for live lineups as photo lineups.

628.4 Field identification

In-field show-ups are used to show a witness a single suspect apprehended near the scene, there is no danger of the witness making comparisons. In general, of course, lineups are preferable to show-ups.

One-on-one or show-up identifications are, by their very nature, inherently suggestive. While show-ups are not per se unconstitutional, they are disfavored. However, courts will admit show-up identification evidence when there is "good reason" or exigency. Officers should assess the circumstances of the situation, and determine whether there is sufficient justification to conduct a show-up.

628.4.1 Good Reason to conduct field identification must be based on one of three considerations:

a. The nature of the crime involved and corresponding concerns for public safety.
b. The need for efficient police investigation in the immediate aftermath of a crime.
c. The usefulness of prompt confirmation of the accuracy of investigatory information, which, if in error, will release the police quickly to follow another track.

628.4.2 Exigent circumstances also justify conducting a show-up, particularly when the witness is in grave medical danger, often in the hospital. Exigency is not required when "good reason" exists.

628.4.3 Logistics of a Show-Up

a. Conduct the show-up promptly after the crime, within a few hours, while the witness' recollection is still fresh.
b. Be aware of and, when possible given any safety considerations, minimize the impact of visual cues of custody, such as removing or covering handcuffs, removing the suspect from the cruiser, or minimizing the number of officers surrounding the suspect.
c. Officers must have either reasonable suspicion (threshold inquiry requiring rapid response), probable cause to arrest, or consent in order to hold the suspect while conducting the show-up. A witness description reflective of a suspect who is stopped in a proximate time and place in relation to the crime may provide sufficient reasonable suspicion to hold the suspect for a short time.
d. Bring the witness to the suspect, except in rare circumstances such as when the witness is in an ambulance or the hospital.
e. Presentations should be one-on-one to avoid contamination or suggestiveness. Separate witnesses when there are two or more. Officer judgment must be used in determining whether or not to separate the alleged suspects when there are two or more.
f. After a witness makes an initial identification, consider using other less suggestive identification methods for successive witnesses when appropriate.

628.4.4 Conducting a Show-Up

Avoid saying or doing anything that may influence the witness. DO NOT tell the witness the police have stopped someone who fits the description.

Transport the witness to the location of the suspect. Use of a cruiser is acceptable, however, the police radio should be turned off; the witness must not hear any related radio transmissions.

Do not provide the witness with any feedback, or comment on the results of the identification procedure in any way. If asked, explain this is necessary to maintain the integrity of the investigation.

628.4.5 Instructing the Witness

Before showing a suspect to the witness, instruct the witness as follows:

a. You are going to be shown an individual.
b. This may or may not be the person who committed the crime, so you should not feel compelled to make an identification.
c. It is just as important to clear innocent people as it is to identify possible perpetrators.
d. Whether or not you identify someone, the police will continue to investigate.

e. After you are done, I will not be able to provide you with any feedback or comment on the results of the process.
f. Please do not discuss this identification procedure or the results with other witnesses in this case or with the media.
g. Take as much time as you need.
h. People may not appear exactly as they did at the time of the event, because features such as clothing and head/facial hair are subject to change.
i. As you look at this person, tell me if you recognize him/her. If you do, please tell me how you know the person, and in your own words, how sure you are of the identification.

Source: Santa Clara County Line-Up Protocol; Middlesex District Attorney's Office
Standard: N/A
Issued: 5/6/2014
Revised:

630 Portable Fingerprint Scanner

630.1 Purpose

The purpose of this procedure is to provide guidelines for the use of the Portable Fingerprint Scanner (PFS).

630.2 Process

A PFS requires two fingerprints, one from each index finger to function. When both fingerprints are obtained the device submits the prints to CBI via a USB or Bluetooth connection with an MDC. An automatic query of the Automated Fingerprint Identification System (AFIS) and the Repository for Individuals of Special Concern (RISC) is initiated, and a response is generated. Upon receiving a response, the device will display the suspect's name or will return a "no record found" response. In addition, the MDC will receive a response and will display more detailed information including: aliases, physical descriptors, suspect's name and DOB. Returned records may contain the criminal and non-criminal entries in AFIS to include fingerprints obtained for employment purposes.

Fingerprints obtained by a PFS are for identification purposes and shall not be collected for any archival purposes. The fingerprints obtained by the PFS shall be purged from the system except when the record is used to identity an arrested individual. In that case, the record is retained for a police report to show how the individual was identified. If the PFS inquiry shows the individual is wanted or an arrest warrant is active, members must confirm this information through dispatch or MDC before taking any further action.

630.3 Approved Use

Only members trained by the Department in the use of a PFS may deploy the device. A PFS may be used under the following circumstances:

630.3.1 Probable cause to arrest exists and there is reason to believe that obtaining fingerprints will assist in the investigation.

630.3.2 A driver on a traffic stop or traffic accident where a summons may be issued does not have valid identification. If the driver refuses to submit to fingerprints using the PFS, the members will not force the driver to submit prints. Members will either arrest on traffic charges, or use a fingerprint pad to place a copy of the print on the summons.

630.3.3 If reasonable suspicion exists that a driver or suspect is providing false or fictitious identification.

630.3.4 During a lawful reasonable suspicion detention when the subject of the detention gives a knowing and willing voluntary consent to the use of the PFS device.

630.3.5 In a death in which no other reasonable means is available for identifying the dead AND a coroner or deputy coroner requests that the PFS be used in an attempt to identify a deceased person.

630.3.6 On juveniles, with parent or legal guardian consent.

630.3.7 At-risk person who is unable to provide identification and no other reasonable means is available for identifying the person

630.3.8 In any of the circumstances above, members will not force a person to submit prints using the PFS. If a subject consents, the subject may withdraw consent at any time prior to scanning the second index finger. If consent is withdrawn, use of the PFS must stop immediately.

Source: Frederick (Colorado) Police Policy #5160
Standard: N/A
Issued: 2/14/2018
Revised:

Chapter 7 Uniforms and Equipment

700 Uniforms

700.1 Purpose and Scope

This standard is to provide information on the wearing of Marshal's Office uniforms and equipment. Uniforms provide a professional, standardized method of identifying an officer's presence and authority to the general public.

700.2 General

a. When in uniform, officers shall be guided by the directions in this manual as to the manner and conditions of wearing approved articles.
b. All uniform articles will be worn in a clean, professional, serviceable condition.
c. Uniform shirts and coats will have the department patch sewn, centered on each sleeve two (2) inches down from the top sleeve seam.
d. Uniform outerwear shirts/coats/vests should have a visible name plate/tape clearly and properly identifying the officer.
e. The Chief Marshal may designate the specific "uniform of the day" for the entire department or for special occasions, such as funerals, promotions, etc.

700.3 Shirts

700.3.1 The acceptable true-blue color palette for coats and shirts include; French, Academy and Royal blue. Light blue (light sky, silver) and dark blue (navy, LAPD) colors should be avoided as well as blues comprised of other predominant hues (purple, aqua).

a. The regulation class A short and long sleeve shirts are French Blue Deputy style.
b. The regulation class B short and long sleeve shirts are blue polo/BDU style collared shirts.
c. Officers may wear a black turtleneck or t-shirt underneath the uniform shirt. The collar of the turtleneck may be embroidered with the letters "CBMO".
d. Officers assigned to motorcycle, bicycle or traffic patrol may wear high visibility yellow/green shirts and coats.

700.3.4 Nameplate

a. The nameplate shall be worn on the jacket or shirt affixed immediately above the right shirt pocket flap and centered.
b. Nameplates shall be of a color matching the badge.
c. The nameplate shall contain a last name and at least one (1) initial.

700.3.5 Class A Insignia

a. Police Training Officers may wear the PTO identification plate attached above the nametag.

b. Departmental (and approved non-departmental) award bars will be worn one-quarter (¼) inch above the PTO bar (if rated) and nametag in an order proscribed in the Awards section of this manual.
c. A maximum of two approved special service insignia may be worn one-quarter (¼) inch above the award bars.

700.4 Pants

a. Black, 5.11 style trousers or shorts, black uniform dress trousers.
b. Officers assigned to bicycle duty may wear approved black shorts.
c. Officers assigned to motorcycle duty may wear approved black armored pants.

700.5 Training and Tactical

Departmental training uniforms will be appropriate for the conditions encountered in the training environment. Tan pants, hoodies and t-shirts with departmental logos are acceptable where officers are unlikely to encounter the need to perform patrol functions.

Departmental tactical uniforms should be appropriate for the conditions and job function of the particular officer. Examples: Negotiator; soft body armor (available), 270˚ identity markings, Perimeter/Entry team; black long sleeve shirt, armor, 360˚ identity markings. Marksman/Observer; Ghillie suit, urban camouflage, subdued identity markings.

700.6 Headgear

700.6.1 Cap - Wearing of the department cap is optional and encouraged during:
a. Inspections, parades and special events
b. Traffic control, crowd control
c. Funerals and other formal functions
d. When directed by supervisors, during tactical situations or other situations when the wearing of the cap would be advantageous to mission accomplishment, identification of police personnel or to enhance the police image or presence.

700.6.2 Plain, and "POLICE" marked dark black knit winter hats are approved.
700.6.3 Helmets – Marked with badge ID or "POLICE".

a. Bicycle – All employees on bicycles shall wear an ANSI/Snell certified safety helmet with the chin-strap fastened.
b. Kevlar - Officers responding to tactical situations may wear the standard flat black Kevlar helmet.
c. Motorcycle helmet - All officers on motorcycle patrol shall wear a DOT certified helmet. The helmet will be similar to the white, HJC IS-Max II style, full-faced modular helmet.
d. Other special headwear may be worn in the performance of a particular assignment when approved by the Chief.

700.7 Outerwear

700.7.1 Jackets

a. Wearing a blue or Hi-Viz, lightweight or heavy Department jacket will be optional at the discretion of the officer.

b. The uniform jacket(s) worn by officers will have the Department badge or embroidered emblem, rear "POLICE" ID panel, shoulder patches, name and appropriate insignia of rank attached.

700.7.2 Outer vest

a. A black Bothel style outer-vest system which holds body armor panels is authorized for use with the Class B polo style shirts. The vest will be marked as indicated above with a badge, nameplate and front/rear "POLICE" ID panel.

700.8 Duty Belt

a. All duty gear will be of sturdy, plain black material (nylon, kydex, leather, etc.).

b. All holsters will be approved by the Firearms/Tactics Staff.

c. Holsters shall properly fit the weapon carried, and the holster's safety device(s) shall be used.

d. Equipment cases should securely contain their contents; especially items requiring retention for officer safety reasons.

e. Only handcuffs approved by the Department Tactics Instructor shall be carried.

f. When armed, all officers will have at least one pair of restraints on their person.

700.9 Footwear

a. Boots will be black in color and constructed of smooth synthetic and/or leather uppers or permanent shine man-made uppers with a choice of outsoles.

b. Shoes may be plain toe style or ventilated coach/referee type with black lacing.

c. All footwear should be sturdy, serviceable quality and shall be kept polished and in good repair at all times.

d. During inclement weather, galoshes, overshoes, snow boots or specialty footwear may be worn.

700.10 Reflective Apparel

a. A high-visibility reflective vest or reflective clothing should be worn by all officers on traffic control assignments.

b. Reflective apparel should also be worn by officers directing traffic at accident scenes, fire scenes, hazardous material spills, malfunctioning traffic signals, and the like whenever possible.

c. Officers should not wear high-visibility clothing at any scene where the reflective nature of the clothing will jeopardize personal safety.

700.11 In addition to basic uniform clothing, the following are required items:

700.11.1 Department Badge

a. The Departmental metal or embroidered badges are authorized for wear with all uniforms.
b. The Chief's authorized metal badge is a gold, six pointed (tipped) star with a central Colorado State seal device with the words Marshal's Department, Crested Butte, CO as well as any identifying information for the officer (Name, rank, badge, position etc).
c. The deputies' authorized metal badge is a silver, six pointed star surrounded by a solid ring with a central Colorado State seal device with the words Marshal's Department, Crested Butte, CO as well as any identifying information for the officer (Name, rank, badge, position etc).
d. Embroidered versions of the badges may be worn on class B uniform shirts and armor carriers.
e. A badge device shall be worn on the uniform shirt attached to the badge holder or, on the outermost garment to be clearly visible at all times.

700.11.2 Current Department Identification Card

700.11.3 Valid Colorado Driver's License. The driver's license shall state the officer's current residential address or Post Office Box in his municipality or county of residence.

700.12 Personal Appearance and Uniform Maintenance

a. When the uniform is worn, care shall be taken that it fits well, is neat, clean, in good repair, properly pressed, and that all leather and metal goods are polished.
b. Personal Grooming - The professional bearing expected of departmental members requires that each member assume responsibility for adopting high standards of personal grooming and cleanliness.
c. Members are prohibited from displaying tattoos or body art which is; racist, sexist, sexually suggestive, sexually explicit, obscene, profane, gang related, drug related, undermines Town values, undermines Department values or is political in nature.
d. Members will not display visible tattoos above the collar line (neck, head, face, ears).
e. When in uniform or work business attire, visible body piercing or intentional (decorative) disfigurement are prohibited
f. Simple post earrings for pierced ears will be considered acceptable for female officers only.
g. The Chief Marshal will be the arbiter for acceptable tattoos or body art.

700.13 Body Armor

a. The Department shall purchase Department approved soft body armor for all sworn Officers.
b. The Department will replace soft body armor at the manufacturer's suggested replacement date, which is typically five years after purchase.
c. Whenever a sworn employee's primary responsibility is a uniform patrol assignment, soft body armor shall be worn.

d. Every sworn employee who will be participating in a pre-planned, high risk situation or training must, at minimum, wear soft body armor.
e. The Department is not liable for an employee's failure to use soft body armor or an employee's misuse of soft body armor.

700.14 Mourning Band (from ODMP)

The preferred mourning band is a solid black band that will fit tightly around the badge. For star badges, the mourning band should be worn from 11 to 5, as if looking at the face of a clock. The width of the black band should not exceed ½ inch. Mourning bands with the thin blue line are acceptable.

Black mourning bands shall be worn on a law enforcement badge in the following circumstances:

a. Upon the line of duty death of an active law enforcement officer (LEO) in the department. The mourning band should be worn for a period of thirty days from the date of death.
b. By all LEO in uniform or in civilian clothing while displaying a badge when attending the funeral of an active LEO. Upon the completion of the funeral, the mourning band shall be removed.
c. Upon the line of duty death of a LEO from a neighboring jurisdiction. The mourning band will be worn from the date of death and removed at the conclusion of the day of burial.
d. National Peace Officers Memorial Day (May 15th).
e. The day of any memorial service our agency has honoring department LEO's who have died in the line of duty.
f. At the direction of Chief, or his designee, when special circumstances dictate that a department display of official mourning is appropriate.

Source: CBMO
Standard:
Issued: 5/6/2014
Revised: 11/2017, 6/1/2019, 1/13/2021

702 Firearms – Authorization and Carry

702.1 Purpose and Scope

To establish rules governing the carrying of firearms by sworn personnel, either department issued or personally owned, while on or off duty.

Because Marshal's Department officers and members of the public may be subjected to or become victims of violent crime at any time, and because Marshal's Department officers are charged with the responsibility to protect life and property, it is necessary for officers to be equipped with a firearm, both for use in the protection of the officer and in the defense of others.

702.2 Authorization to Carry

702.2.1 Sworn personnel of the Crested Butte Marshal's Department may carry and use a department authorized firearm, on or off duty, exposed or concealed, after having received the required department firearms instruction, and after having demonstrated proficiency in the use of the firearm to be carried.

702.2.2 The off duty carrying of a firearm is done at the election of the officer, and is not required by department policy. Officers are not required to carry their primary duty weapon off duty; however, any weapon that is carried off duty must be in compliance with this standard to be considered department authorized. The concealment of a firearm on the officer's person, while on or off duty, is authorized by Colorado Revised Statute 18-12-101(2).

702.2.3 Weapons carried on or off duty shall only be equipped with department authorized ammunition.

702.2.4 A department authorized firearm is one that has been approved by the Chief Marshal or Firearms Instructor for use by an officer. To receive approval, the firearm must either be of department issue, or if it is of personal ownership, it must meet the criteria specified in **702.3 (Authorized Weapons)** of this standard.

702.3 Authorized Weapons

702.3.1 All departmentally issued, or personally owned, primary service, off duty, and alternate service sidearm weapons must meet the following standards:

a. Must be manufactured by a reputable industry source to include; Smith & Wesson, Glock, Sig-Sauer.
b. Must be of sufficient caliber to address typical threats such as; .45 caliber, .40 caliber, 9mm, .357 Sig-Sauer.
c. Backup weapons may be of lighter, yet effective, calibers such as; .380 cal., .38 cal.

d. Barrel lengths shall not exceed 6.5 inches in length.
d. Weapons shall not be materially modified or altered in any way from factory standards without prior approval of the Firearms Instructor/Armorer.
e. Semiautomatic handguns must not be capable of firing in an automatic mode and must have all factory/armorer installed and functional safety equipment.

702.3.2 All departmentally issued, or personally owned patrol rifles, shotguns and long rifles must meet the following standards:
a. Must be manufactured by a reputable industry source to include; Colt, Bushmaster, Remington, Rock River, H & R Arms.
b. Must be of sufficient caliber to address typical threats such as; .223 caliber (5.56mm), .308 Win (7.62mm), 12 gauge, 20 gauge (with specific authorization).
c. Weapons shall not be materially modified or altered in any way from factory standards without prior approval of the Firearms Instructor/Armorer.
d. Weapons must have all factory/armorer installed and functional safety equipment.

702.3.3 Specialty Weapons
a. Specialty weapons such as impact munitions launchers, less lethal devices and the like must be authorized by the Firearms/Less-Lethal Instructor/Armorer.
b. Only officers trained and qualified to use a particular weapon system may use that system.

702.4 Authorized Duty Ammunition

702.4.1 All department authorized duty ammunition will be designed to reduce the hazards of ricochet and excessive penetration.

702.4.2 The department will provide all duty ammunition and limited practice ammunition for the officer's primary authorized weapon and one off duty authorized weapon if different.

702.5 Record of Serial Number and Description Required

The serial number, make, model, and description of any weapon carried or used under the authority granted by the department must be provided to the Firearms Instructor prior to any such use.

702.6 Carrying by Plainclothes or Off-Duty Officers

702.6.1 Weapons carried by off duty or plainclothes personnel will be concealed unless the officer is wearing openly displayed police identification. Anytime a firearm is carried, on or off duty, the officer will carry at least one set of restraints.

702.6.2 Openly displayed identification is defined as an issued badge

worn outside the clothing on a necklace, pocket holder, or belt carrier, or when clothing such as a raid jacket or other item clearly stating "POLICE" or "MARSHAL" are worn.

702.6.3 Officers are prohibited from carrying weapons when consuming alcoholic beverages or when taking medications that may impair judgment or reaction time.

702.7 Firearms Qualification Required

702.7.1 Weapon qualification for employees authorized to carry a firearm shall be administered by the Firearms Instructor at least annually. Qualification for all additional authorized weapons must be completed at least annually for that firearm to be carried.

702.7.2 If an officer fails to qualify with their primary duty weapon.

a. Remedial training will be administered
b. The officer will be given an additional attempt to qualify.
c. Failure to qualify on the second attempt may result in a two-day suspension during which time the officer will receive remedial training at the discretion of the Firearms Instructor.
d. After a two-day suspension the officer must qualify twice in a row at the stated standard.

702.8 Authorized Equipment

The Firearms Instructors will set the standards for all equipment such as holsters, slings and other items used with firearms. The Firearms Instructor is in charge of the range and will set all regulations. Each officer will be reminded of the range rules before entering the range.

702.9 Handgun Red Dot Sights

Handgun Red Dot Sights (RDS) are authorized for primary duty carry, only on factory Glock 17 MOS, Glock 19 MOS, and Glock 41 MOS issued or non-issued pistols. Officers must complete and pass the Department's RDS school as determined by the department Firearms Instructor prior to deployment. All RDS pistols will be equipped with suppressor height iron sights.

702.10 Discharge Report

The discharge of a firearm by an officer for any reason other than training, sporting or recreation activities requires that the officer file a written report (memo or Incident Report) with a Firearms Instructor within twenty-four hours. The Firearms Instructor will review the incident and, if the facts support a conclusion that the discharge was the result of carelessness or negligence, the Firearms Instructor will

forward such finding to the Chief Marshal for action.

702.10.1 A negligent discharge by an officer at any time will result in the following action.

a. If the negligent discharge did not impact another person, the officer will receive prescriptive training in the safe handling of weapons.
b. If the negligent discharge impacted another person, the officer will be immediately placed on administrative leave until an investigation has been completed, and the Chief Marshal has allowed reinstatement.

Source: CBMO
Standard: CACP 20.6, 20.8, 20.10, 20.12
Issued: January 15, 1997
Revised: June 9, 1997; 5/6/2014, 7/1/2020, 6/17/2024

704 Patrol Vehicle Use

704.1 Purpose and Scope

The Department may assign a patrol use vehicle to full-time deputies. This policy shall not be construed to create or imply any contractual obligation to assign patrol use vehicles and such assignment is at the discretion of the Chief Marshal. Assigned patrol use vehicles have demonstrated a long-term fiscal and service benefit to the Town. Vehicles get better care during operation and storage, and accumulate fewer service miles and hours of operation. This vehicle assignment results in an extended vehicle service life over pool patrol use vehicle assignment. Vehicles subsequently require less frequent replacement and a reduced frequency of transfer and replacement of support equipment (radios, emergency, safety equipment). Ultimately, per mile operational costs are reduced.

704.2 Logistics

The Department recognizes that the placement of all patrol vehicles in one location or a select few locations renders an increase risk of fleet damage due to act of nature or disaster (e.g., hail damage, tornado, floods, snowstorms) as well as planned or opportunity based intentional damage and vandalism, domestic destruction and/or terrorism. These conditions could render the entire fleet unavailable for deployment.

704.3 Definitions

Patrol use vehicle Includes, but is not limited to, any marked or unmarked squad car, transport, truck, plow, ATV, snowmobile, boat, hovercraft, rescue craft, jetski, dive vehicle, SRT vehicle, mobile crime lab, undercover or unmarked vehicle or deployment trailers provided by the Department for the purpose of performing job duties as required by public safety or emergency response duties or essential job functions.

704.4 Assignment of Patrol Use Vehicles

Assignment of patrol use vehicles shall be governed solely by the Town and the Department under the discretion of the Chief Marshal.

704.4.1 Eligibility

Eligibility for assignment of a patrol use vehicle requires the deputy to be in good standing with Department.

704.4.2 Assignment Guidelines and Use Criteria

Assignment guidelines and criteria for patrol use vehicles include the following. The Chief Marshal or the authorized designee may make exceptions to these provisions.

a. The location of the deputy's home, nature of the deputy's duties, job description and essential functions and employment status; residence in the City/County is a prime consideration.
b. The Chief retains the right to assign/revoke any or all assigned patrol use vehicles.
c. Patrol use vehicles should be operated in accordance with Department policy and state law.
d. Patrol use vehicles shall not be used for unapproved use, either on or off-duty, and are restricted to operation by Town employees, peace officers assigned to the Town or by peace officers under their direction.
e. Patrol use vehicles are subject to inspection, search and validation of location at all times by the Chief, the authorized designee or any on-duty supervisor.
f. Patrol use vehicles are to be secured at the deputy's home or the Department when a deputy is on vacation. If the vehicle remains at the home of the deputy, the Department shall have access to the vehicle, including if it is garaged. If the deputy is unable or unwilling to provide access to the patrol use vehicle, it shall be parked at the Office.
g. A patrol use vehicle, despite assignment to a deputy for specific duties, may be reassigned or utilized by other Department personnel at the discretion of Department.
h. The assignment of a patrol use vehicle may be suspended when the deputy is unable to perform his/her regular assignment.

704.4.2 Patrol use vehicles will not be used by members when off-duty with the following exceptions:

a. In circumstances when a deputy has been placed on-call by the Chief or Deputy Chief Marshal and there is a high possibility the deputy will be called back to duty.
b. When the deputy is performing a work related function while off-duty, including patrol use vehicle maintenance or travelling to or from a work related activity or function.
c. When the deputy has received permission for the use of the patrol use vehicle from the Chief or Deputy Chief Marshal.

704.4.2 Family members may ride with deputies during assignments when the deputy is not considered to be on-duty for regular duties under the following circumstances:

a. Out of County overnight schools and conferences
b. Parade functions as approved by the Chief.
c. As authorized by the Chief or Deputy Chief Marshal
d. The deputy is called to duty and it is reasonably necessary to drop off the family member at a safe location prior to responding to the call

e. The deputy will not operate the patrol/use vehicle at emergency response speeds with family members in the vehicle.
f. Deputies are prohibited from operating a Town owned vehicle when on or off-duty if the deputy is or has been consuming alcohol, unless it is required by his/her duty assignment (task force, undercover work, etc.). However, regardless of the assignment, employees may not violate state law regarding vehicle operation while intoxicated.
g. Whenever operating vehicles owned by the Department, whether on or off-duty, the deputy will carry and have accessible his/her duty firearm and be prepared to perform any function he/she would be expected to perform while on-duty.
h. the two-way communications radio, must be on and set to an audible volume when the vehicle is in operation.
i. Deputies shall ensure all weapons are secure while the patrol use vehicle is unattended.
j. Unattended patrol use vehicles are to be locked and secure at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine environmental safety, and charging).

704.5 Vehicle Alterations

Alterations of any type to a patrol use vehicle require prior authorization of the Chief or an authorized designee.

704.6 Officer/Deputy Maintenance Responsibilities

Deputies will be responsible for the upkeep of their assigned patrol use vehicle. Failure to adhere to these requirements may result in discipline and loss of patrol use vehicle assignment. The following should be performed as outlined below:

a. When in operation, the deputy must be prepared and reasonably available to respond to an emergency. If deputies are summoned to, or involved in, a law enforcement activity, they shall notify dispatch of their response or activity and should continue the action until the incident or activity is cancelled or concluded.
b. Vehicles should be fueled in anticipation for extended emergency response at the next use.
c. The assigned operator is responsible to ensure all fluid levels, tires, safety and emergency equipment, and the interior and exterior of the vehicle are in a safe operating condition and prepared for emergency service.
d. At the start and end of any use, inspect the vehicle for any damage. If damage is discovered, advise your immediate supervisor.
e. Vehicle is to be kept clean both inside and out as is reasonable. The appearance of the vehicle reflects directly upon the deputy and the entire Department.
f. Ensure all scheduled vehicle maintenance and car washes are performed as necessary at a facility approved by the Department. The Department shall be

notified of problems with department owned vehicles and approve any major repairs before they are performed.

g. Vehicle maintenance should not be delayed and should be coordinated in advance when reasonably possible. If unanticipated circumstances thwart such advance planning, the deputy should arrange an alternative for timely vehicle maintenance.

704.7 Attire and Appearance

When operating a patrol use vehicle off duty, officers may dress in a manner appropriate for their intended activity. Attire and appearance whenever in view of or in contact with the public, regardless of the activity, should be suitable to reflect positively upon the Department.

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

705 Motorcycle Patrol

705.1 Purpose and Scope

The purpose of this policy is to provide guidance on the use, utility, and deployment of police motorcycles and the general management of motorcycle operations. Utilizing a variety of patrol methods is an important component of this department's strategy for accomplishing its public safety objectives. Electric motorcycles are a more environmentally sound vehicle patrol method which has mobility and stealth, as well as an ability to facilitate a variety of law enforcement and crime prevention and traffic enforcement operations.

705.2. Motorcycle training

a. All riders shall have a valid Colorado driver's license with a motorcycle endorsement. Each rider shall undergo and pass the department's police motorcycle training course before being allowed to operate a motorcycle on duty without supervision.
b. Motorcycle officers shall receive periodic/annual training as determined by the instructor or supervisor.

705.3 Equipment

a. Police Patrol Motorcycle – Trained officers may use Zero's FXP ZF6.5 electric police motorcycle.
b. Helmet – A department approved DOT certified helmet is required while operating a department motorcycle.
c. Eye protection – riders will utilize the helmet's integral eye shields or other eye protection which meets or exceeds Colorado state law.
d. LIDAR unit – Officers trained in the use of Lidar may use that system when the vehicle is stopped.
e. Trauma medical kit
f. Fire extinguisher
g. Traffic safety vest

705.4 Parking of the police motorcycle

a. The motorcycle shall not be parked on hot asphalt or loose ground, such as unpacked dirt, which might allow penetration of the support stand without first making sure the bike will remain stable.
b. Whenever leaving a motorcycle unattended; secure the headset lock and remove the key.
c. If minor damage to the motorcycle is sustained during the shift, the officer shall notify a supervisor by the end of the shift. If substantial damage to the bike or injury to the officer or a civilian is sustained, the officer shall immediately request appropriate medical assistance and notify a

supervisor.

d. When not in use, all equipment shall be stored and locked in the designated area.

705.5 In and out of service

a. The department has a limited number of police motorcycles which means motorcycles are not assigned to particular officers and must be shared. Care, maintenance, upkeep and capability for duty are the responsibility of all riders.
b. Officers intending to ride during their shift must conduct a Pre-Ride check prior to going on motorcycle patrol.
c. Officers completing their ride must clean, properly store and initiate charging procedures for the motorcycle to place it back in service.

705.6 The police motorcycle uniform

a. Standard duty uniform
b. Department issued, DOT, full-face, motorcycle helmet
c. Eye protection (mandatory)
d. Gloves – Leather or synthetic gloves which provide abrasion protection
e. Black leather or sturdy synthetic boots
f. Duty or motor officer pants

705.7 Use of the police motorcycle

a. The motorcycle may be utilized for routine patrol activities.
b. The motorcycle may be used as a traffic unit for purposes of accident reduction or selective traffic enforcement, for targeted patrol operations based on specific crimes, geographic areas, or crime targets
c. The motorcycle may be used for special events when deemed appropriate. Incidents in which the location or the volume of vehicle and/or pedestrian traffic may inhibit the response of full sized police motor vehicles. Special events, such as parades, festivals, fairs, runs/races, sports, and other indoor and outdoor events. Demonstrations or events which attract protestors, and other crowd situations.
d. Off-road emergencies, to include search and rescue, enforcement, and preventive patrol as required on trails designated for nature walks; mountain bike use; horses; and/or walking, hiking, and biking. Disaster situations in which movement by conventional motorized emergency response vehicles is limited or impossible.
e. Officers will not perform high speed motorcycle escorts for vehicle convoys.
f. The motorcycle should not be used as primary vehicle to block roadways unless no other option is available.
g. Officers shall consider their skill level, the weather and road conditions

before operating a police motorcycle in the rain, snow, or upon slushy or snow-packed streets, or during other weather conditions which may prove hazardous.

705.8 Maintenance of the police motorcycle

a. Officers using a motorcycle shall be responsible for the following daily inspections:
   1. The battery level shall be checked to ensure adequate power for the shift.
   2. Tire inspection to detect undue wear or other unsafe conditions.
   3. Proper tire inflation shall be checked.
   4. All lights and siren shall be checked.
   5. The mirrors will be adjusted and checked.
   6. Ensure the medical kit and fire extinguisher are in the left rear pannier.

b. No addition, removal, or alteration of any type of equipment shall be made without prior approval.

c. Officers must be aware that access to the battery of the Zero FXP is possible but not permitted except by trained maintenance personnel; the risk of serious electric shock is possible when the battery compartment is exposed.

705.9 Operation of the police motorcycle

a. When operating a police motorcycle, officers will properly wear the department approved safety gear (ATGATT). The chin bar may be raised when riding under 15mph. Above 15mph, the chin bar should be lowered and locked in place.

b. Deputies shall operate the motorcycle in accordance with state law and department policy regarding the operation of a police vehicle.

c. The Zero FXP shall be routinely operated in the ECO mode.

d. Operators of police motorcycles involved in pursuits shall conform to the department policy regarding marked police vehicles.

e. Police motorcycles shall abandon a pursuit when a police car engages the pursuit, if practical.

f. No passengers will be carried.

g. In arrest situations motorized transport may be needed for the prisoner. A motor officer shall not secure a prisoner to an object and leave him or her unattended, unless an emergency exists which requires immediate action. The motor officer shall respond to the appropriate facility to process the arrestee at the earliest convenience or in accordance with normal procedure.

Source: CBMO

Crested Butte Marshal's Department
Standard Operations and Procedures Manual

Standard:
Issued: April 8, 2018
Revised: June 1, 2020

Zero FXP Motorcycle Ride Checklist

TCLOCK

Tires and Wheels
- Condition: Tread depth, wear, seated, bulges, imbedded objects
- Inflation: **38**psi cold
- Spokes: bent, broken, missing, tension
- Rims: out of round
- Bearings: Freeplay, rubbing
- Seals: cracks, tears, grease

Controls
- Levers: broken, bent, mounts
- Cables: fraying, kinks, lubrication
- Hoses: cuts, cracks, leaks, bulges, chafing, routing
- Throttle: moves freely, snaps closed
- In ECO mode?

Lights
- Battery: note %
- Lenses: cracks, housing
- Reflectors: cracks, mounted
- Wiring: fraying, chafing, insulation
- Headlamps: working hi/lo, cracks
- Police lights-Siren

Oil
- Hydraulic fluid: gaskets, housings and seals
- Brake fluid: level, both brakes working

Chassis
- Frame: cracks, dents, play, clean
- Suspension: travel, preload, movement
- Belt: tension, engaged
- Fastners: clips and pins engaged, reference marks aligned

Kickstand
- Sidestand: cracks, bent, springs, tension

Back In Service

• Washed and road grime removed before being brought into office.
  - Dry glass and mirrors to prevent spotting
  - TCLOCK check the bike while washing it
  - The belt will whine when it is wet, this is normal until it dries
• Charge cable connected: green light on
• Key in off position
• Remove personal items from pannier/trunk
  - Personal AED and gear from right pannier.
• Replace any paperwork used

• Clean helmet and visors

706 Department and Personal Property

706.1 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.

706.2 Documentation of Issued Property

All property issued shall be documented in the appropriate equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

706.2.1 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 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 Chief Marshal to 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, 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.

706.3 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 Uniform Regulations Policy.

706.4 Damage by Criminal Act

If personal property or property belonging to the Town is damaged during a criminal episode, it shall be the responsibility of the investigating officer to request compensation if/when criminal charges are filed. The employee responsible for the property must, at least, make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit.

706.5 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 timeframe directed by the supervisor to whom the verbal report was made.

706.5.1 Damage by Person of Another Agency

If employees of another jurisdiction cause damage to personal property or property belonging to the Town, 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 Chief Marshal.

Source: Lexipol, LLC, 2011
Standard:
Issued: 5/6/2014
Revised:

Chapter 8 Custody

800 Alternatives to Physical Arrest and Continued Custody

800.1 Purpose and Scope

To establish policy guidelines on the use of alternatives to physical arrest and incarceration of violators.

Certain situations require the physical arrest and incarceration of a crime suspect, either by law or by virtue of the circumstances confronting the officer(s) at the time of the contact. Many other contacts however, do not require a physical arrest and incarceration, and should thus be handled through the implementation of an appropriate alternative.

800.2 Definitions

Arrest: The situation when a reasonable person would believe he or she is not free to leave or to terminate the encounter.

Detention: The temporary contact with an individual for the purpose of investigation or, in the case of juveniles, for the purpose of disposition.

Incarceration: The "jailing" of a person after they are arrested for an offense.

800.3 Alternatives

800.3.1 Detention - Generally used in cases involving juveniles who may not be incarcerated, while awaiting disposition on acceptance by a juvenile holding facility, release to parents, relatives or a responsible adult.

800.3.2 Summons and Complaint - A summons and complaint may be issued by an officer for a misdemeanor or petty offense which occurred in his presence or if not in his presence, which he has probable cause to believe was committed by the person to be charged.

800.3.3 Felony Summons - For class 4, 5, or 6 felony violations not committed in the officer's presence, or otherwise not falling into a category for which the officer may make an immediate arrest, the officer may request the issuance of a felony summons rather than an arrest warrant. If the officer believes that the suspect is likely to disobey the summons, or the suspect's location is unknown, the officer may request the issuance of an arrest warrant.

800.3.4 Penalty Assessment - When an officer arrests a person for a County Court Infraction or a Municipal Offense for which a Penalty Assessment is established, he may issue a penalty assessment.

800.3.5 Written Warning - A written warning may be used in traffic violation situations, where no accident has occurred, and for Municipal Ordinance violations, at the officer's discretion.

800.3.6 Verbal Warning - Generally employed in cases where a minor violation of municipal ordinance or traffic law has occurred, that is due to the ignorance of the offender as to the particular law.

800.3.7 Outside Referral - Referral to another agency may be used when no arrest is required or made and the officer chooses not to employ any of the alternatives listed.

800.3.8 Informal Resolution - May be used, absent any other requirement of law or policy, when all parties involved indicate a desire to handle the incident amongst themselves. Informal resolution is NOT available in Domestic Violence or crimes against children.

Source: CBMO
Standard: N/A
Issued: January 15, 2997
Revised:

802 Prisoner Handling

802.1 Purpose and Scope

To establish guidelines for the searching, handling and transportation of prisoners. Prisoners will be searched at the time of arrest to ensure the safety of officers and to prevent the destruction of evidence.

802.2 Searching Prisoners

802.2.1 All persons arrested will be searched. All arrested persons received from another officer or another agency will be searched, even if the other officer states the person has been searched. Prisoners shall be searched each time they come into the transporting officer's custody, including to and from court appearances, hospital visits, or interview sessions.

802.2.2 Strip searches will be conducted according to Colorado Revised Statute 16-3-405. Departmental guidelines are as follows:

Strip Search: The act of requiring an arrested person to remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus or the breasts of a female arrestee.

a. No person arrested for a traffic offense or a petty offense shall be strip searched, prior to arraignment, unless probable cause exists to believe that the individual is concealing a weapon or a controlled substance or that the individual is a parolee or an offender serving a sentence in any correctional facility in the state.
b. Any strip search that is conducted shall be performed by a person of the same sex as the arrested person, and on premises where the search cannot be observed by persons not physically conducting the search.
c. No search of any body cavity other than the mouth shall be conducted without the authorization of the employee's supervisor or supervisor in charge. The search must be performed under sanitary conditions and conducted by a licensed physician or nurse.

802.3 Transporting Prisoners

802.3.1 All persons arrested, detained, or transported shall be handcuffed behind the back, or in front with a restraining belt or chain and the handcuffs will be double locked and checked for tightness. They shall also be seat belted in the vehicle and the doors locked. **At no time will anyone be handcuffed to any portion of a vehicle**. Restraints shall not be applied which would aggravate any existing illness or injury known to the officer at the time of the arrest which would limit treatment by medical personnel. The leg brace restraint or an Electronic Immobilization Device belt may be authorized by a supervisor for unusual circumstances.

802.3.2 Handicapped, sick or injured prisoners shall be restrained reasonably to prevent injury or escape from custody. If the handicapped prisoner is confined to a wheelchair, or other non-ambulatory device, then an ambulance may be utilized for the transport. In special situations, a supervisor should be notified for assistance. If an arrested person is seriously injured, or ill, medical attention shall be sought prior to transport. Any prescribed medication should accompany the arrestee, but be secured during transport.

a. When transporting mentally disturbed prisoners alternative restraining devices shall be used which have been designed to restrain the prisoner securely without causing injury, however this does not prevent the use of handcuffs in emergency situations. The type of restraint used should be documented.

b. Persons detained pursuant to Emergency Commitments (protective custody or temporary mental hold and treat) shall be restrained.

802.3.3 All department vehicles used for transportation will at a minimum have the rear door handles and window cranks removed or electric switches deactivated (on four door model vehicles) to ensure the prisoner cannot exit the vehicle without the aid of the transporting officer.

802.3.4 All vehicles used for transporting arrested persons will be searched prior to and after transport of persons. A search is made under the assumption that an opportunity exists for the introduction of contraband, weapons and/or other items.

802.3.5 Ideally, when on extended transports, an officer of the same sex as the prisoner will be included. When unreasonable to do so, two officers will transport and shall contact Gunnison Communications with beginning and ending mileage.

a. The information relayed to communications will be recorded in the radio log.

b. In the event an officer is transporting a prisoner of the opposite sex, and the prisoner is requesting the use of a rest room, the officer shall ensure the safety and security of the prisoner by taking all appropriate actions.

802.3.6 Vehicles will be inspected by the officer prior to its use and the officer will ensure that funds are available for food, fuel, and lodging if needed. If during an extended prisoner transport an officer determines that a prisoner will require a meal prior to arrival at a detention facility, the location where the meal is taken will be chosen at random.

802.3.7 Prisoners are permitted to communicate with the transporting officer and other arrestees in the vehicle, but cannot talk to an attorney, bondsman, or other parties while being transported.

802.3.8 Commercial transport services will be used for interstate and unusually difficult intrastate transports.

802.3.9 Juveniles will not be transported with adults.

802.3.10 Male and female subjects who are not accomplices (involved in unrelated crimes) will not be transported together.

802.3.11 Subjects who have an adversarial relationship will not be transported together.

802.4 Providing Police Service While Engaged in Transport

802.4.1 An officer will not handle another police incident while transporting a prisoner, unless the incident is of such magnitude that a life is placed in jeopardy or an innocent person is placed in jeopardy of serious bodily injury. The officer must also be concerned with the safety of his prisoner, and will not expose the prisoner to unnecessary hazard.

802.4.2 Transporting officers encountering a situation requiring assistance should contact another officer/agency and provide them with the details of the needed service.

802.5 Arrival at the Holding Facility

802.5.1 Upon arrival at a holding facility, the transporting officer(s) shall observe the rules of the facility regarding weapons.

a. If the facility requires the prisoner remain restrained the officer will remove those restraints issued by the department and the detention facility may restrain the prisoner with their own equipment.
b. The appropriate reports shall be completed and supplied to detention facility personnel on all persons arrested, to include any special risks or circumstances (suicide risk, communicable diseases, escape risk, etc).

802.6 Prisoner Escape

802.6.1 Should a prisoner escape from Marshal's Office custody, the responsible officer shall notify the affected jurisdiction through the Communications Center of the escape. Initial information to be supplied via the radio includes:

a. Description of the prisoner.
b. Direction of travel and means.
c. Weapons or possible weapons.
d. Possible accomplices.
e. What the prisoner was being held for (nature of crime).

802.6.2 If within the department's own jurisdiction, a supervisor shall respond to the scene.

802.6.3 If outside the department's jurisdiction the affected jurisdiction will be notified and a request made for an officer from the affected jurisdiction to respond to the scene.

802.6.4 The transporting officer shall complete a written report of the incident.

802.7 Prisoner Security

802.7.1 For safety reasons, all persons in custody must be under observation at all times, from point of arrest to the time of detention processing.

802.7.2 Arresting officers are responsible for the safety of prisoners, and are also responsible to insure that other officers are not placed into hazardous situations by the actions of their prisoners.

802.7.3 When a prisoner is considered a security risk the presiding judge should be notified. The following issues should be reviewed with the judge prior to the arrival of the prisoner in court:

a. Use of restraining devices in the court room.
b. Assignment of additional personnel.

802.7.4 Prisoners being transported for any unusual circumstances such as funerals, visiting a critically ill family member or any other like situation provide extraordinary opportunities to a prisoner for unauthorized personal contact, escape, or infliction of injury on himself or others. Prisoners being transported in the above situation will be escorted by a minimum of two officers.

802.7.5 When a subject in police custody is transported to a medical facility for treatment, the transporting officer will keep the subject under observation at all times. If the arrestee is admitted to the hospital a supervisor shall arrange for the posting of a guard.

802.8 Documentation

802.8.1 Each prisoner being transported from a detention facility shall be positively identified as the person to be moved.

802.8.2 The following criteria may be used for identification purposes:

a. Name and date of birth.
b. Case/detention reports.

c. Physical description.
d. Detention photos or other photographs.
e. Use of right index fingerprint comparison on the custody report.
f. All other documentation which is necessary to prove identification (charges, warrants, proper commitment papers, medical records, property).
g. Officer's personal knowledge and experience with the individual.

802.8.3 When transporting a prisoner to another facility, the documentation should include commitment papers and the prisoner's medical records and personal property.

802.8.4 For interstate transports, the escort officer must have a properly executed governor's warrant or a properly executed waiver.

802.8.5 All documentation outlined above, if available, shall accompany the prisoner and be given to the receiving facility with special emphasis on any information relating to prisoners escape risk or suicide potential.

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Standard: CACP 180.1, 180.2
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804 Temporary Custody of Juveniles

804.1 Purpose and Scope

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Crested Butte Marshal's Office (CRS §19-1-101et seq.).

804.2 Definitions

Adult A person 18 years of age or older, except for any person 18 years of age or older who is under the continuing jurisdiction of the juvenile court or who is before the court for an alleged delinquent act committed prior to the person's eighteenth birthday (CRS § 19-1-103(8)(a)).

Child/juvenile A person under 18 years of age (CRS § 19-1-103(18) and CRS § 19-1-103(68)).

Custodian A person who has been providing shelter, food, clothing and other care for a child in the same fashion as a parent would, whether or not by the order of a court (CRS § 19-1-103(35)).

Delinquent act Violation of any statute, ordinance or court order facilitated by a juvenile (CRS § 19-1-103(36)).

Detention The temporary care of a child who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment (CRS § 19-1-103(40)).

Guardian A person, association or corporation that is granted authority by the state to exercise parental rights over a child (CRS § 19-1-103(60)).

Juvenile delinquent A juvenile who has been found guilty of a delinquent act (CRS § 19-1-103(71)).

Legal custody The right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care (CRS § 19-1-103(73)(a)).

Parent A natural parent, adoptive parent or stepparent (CRS § 19-1-103(82)).

Status offender A juvenile who has been charged with, or adjudicated for, conduct that would not be criminal if committed by an adult.

804.3 Authority to Detain

Authority to detain a juvenile includes:

a. Temporary custody without order of the court when there are reasonable grounds to believe that a juvenile has committed a delinquent act (CRS § 19-2-502(1)).
b. Temporary custody pursuant to a lawful warrant issued by a court (CRS § 19-2-502(2)).
c. Temporary custody for any juvenile who needs medical or mental health attention or whose conduct indicates that the juvenile is in need of supervision (CRS § 27-65-105 and CRS § 27-81-111).
d. Temporary custody when there are reasonable grounds to believe the child has run away from the child's parents, guardian or legal custodian, and the child's parents, guardian or legal custodian has made a report to a law enforcement agency that the child has run away from home.

804.4 Temporary Custody

An individual taken into custody shall be processed and final disposition completed without undue delay (CRS § 19-2-507(4)). When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the investigator assigned to the case:

a. Once the detained juvenile has been placed in secure or non-secure custody, complete the juvenile detention log.
b. Without undue delay, notify the juvenile's parent, guardian or a responsible relative that such juvenile is in custody. Provide the location where the juvenile is being held or transferred, whether the complaint will be sent to the juvenile court and the intended disposition.
c. Submit a completed report to the Shift Supervisor for approval.
d. Status offenders, abused or neglected children or those detained for mental evaluation may not be detained in jails, holding facilities or lockups. They may be taken to welfare workers or proper facilities but may not be held in a secured environment or come into contact with adults in custody at the station.

804.4.1 Prescreening Requirements

When a juvenile is taken into temporary custody and not released pending charges the deputy shall notify the screening team. The court designated screening team is designated by the chief judge for this judicial district. The screening team shall notify the juvenile's parent, guardian or legal custodian without unnecessary delay. If the screening team is unable to make such notification, it may be made by any law enforcement officer in whose physical custody the juvenile is placed (CRS § 19-2-507(1)).

804.4.2 Temporary Custody Requirements

All juveniles held in temporary custody shall have the following made available to them:

a. Reasonable access to toilets and washing facilities
b. One snack upon request during the term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment; the snack shall be provided by the arresting officer or as directed by a supervisor.
c. Access to drinking water
d. Privacy during visits with family, guardian or lawyer
e. Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and give the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer or lawyer.

804.4.3 Noncontact Requirements

There shall be no contact by sight or sound between juveniles held in temporary custody and adult prisoners.

804.5 Types of Custody

The following provisions apply to types of custody and detentions of juveniles brought to the Crested Butte Marshal's Office.

804.5.1 Non-secure Custody

All juveniles detained for misdemeanors, truancy, traffic offenses, an unruly child or any juvenile under the age of 14 years who is taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the Marshal's Office. However, the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring juveniles using audio, video or other electronic devices does not replace constant personal visual supervision.

804.5.2 Secure Custody

A juvenile may be held in secure detention in the temporary holding facility if the juvenile is 14 years of age or older and, if in the reasonable belief of the officer/deputy, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met. Any juvenile in temporary custody who is less than 14 years of age, or who does not, in the reasonable belief of the officer, present a serious security risk of harm to self or others, shall not be placed in secure detention but may be kept in

non-secure custody in the facility as long as all other conditions of non-secure custody are met.

a. In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:
   1. Age, maturity and delinquent history of the juvenile
   2. Severity of the offense for which the juvenile was taken into custody
   3. Juvenile's behavior, including the degree to which the minor appears to be cooperative
   4. The availability of staff to provide adequate supervision or protection of the juvenile
   5. The age, type and number of other individuals who are detained in the facility

b. A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
   1. Juvenile is 14 years of age or older.
   2. Juvenile is taken into custody on the basis of having committed a criminal law violation.
   3. Detention at this facility does not exceed 6 hours from the time of arrival at the police station, when both secure and non-secure time is combined.
   4. Detention is for the purpose of giving the deputy time to investigate the case, facilitate the release of the juvenile to parents or arrange transfer to a juvenile detention facility.
   5. The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others.

Factors to consider include:

a. Age, maturity and delinquent history of juvenile
b. Severity of the offense for which the juvenile was taken into custody
c. Juvenile's behavior
d. Availability of staff to provide adequate supervision or protection of the juvenile
e. Age, type and number of other individuals detained at the facility

804.5.3 Secure Detention of Juveniles

While in secure detention, minors may be locked in a room or other secure enclosure, secured to a cuffing rail or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or others from harm.

a. Minors held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
   1. An employee of the Office must be present at all times to ensure the juvenile's safety while secured to a stationary object.

2. Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available.
3. Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Shift Supervisor designated supervisor and the reason for continued secure detention shall be documented.

b. In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
1. Constant auditory access to staff by the juvenile.
2. Unscheduled personal visual supervision of the juvenile by staff, no less than every 30 minutes. These checks shall be documented.

c. Males and females shall not be placed in the same locked room unless emergency circumstances reasonably require otherwise. Under such circumstance direct visual supervision is required.

804.5.4 Juvenile's Personal Property

The deputy placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure that all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained until the juvenile is released from the custody of the Crested Butte Marshal's Office.

804.5.5 Formal Booking

Juveniles may be booked and fingerprinted or photographed, giving due consideration to the following:

a. The gravity of the offense
b. The past record of the offender
c. The age of the offender

804.5.6 Dispositions

Appropriate juvenile dispositions include:

a. After an officer has taken a juvenile into temporary custody, the following dispositions are authorized:
1. If probable cause is lacking, the arresting officer may counsel or admonish the juvenile and recommend no further action be taken. The juvenile will then be released to a responsible person described above.
2. If probable cause is minimal and the arresting officer or the Shift Supervisor believes that further action is needed, the juvenile may be released to a responsible person as listed above. The juvenile will be advised that follow up action will be taken by the investigator assigned to the case. The investigator assigned to the case will then determine the best course of action, such as diversion or referral to the court. The

investigator assigned to the case will contact the parents and advise them of the course of action, if any.

b. Any juvenile arrested for a crime shall be released to one of the following, unless a determination has been made that the juvenile's immediate welfare or protection of the community requires further detention (CRS § 19-2-507(3)).
   1. Parent or legal guardian
   2. An adult member of his/her immediate family
   3. A responsible adult person specified by the parent/guardian
   4. Any responsible adult person willing to sign a written agreement and accept responsibility when the juvenile's parents are unavailable, as approved by the Shift Supervisor

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

d. If the juvenile is going to be transported to the juvenile court or designated juvenile detention facility, it must be done without delay. The following forms shall accompany the juvenile:
   1. Three copies of the applicable reports for each juvenile transported; in certain cases the detention facility may accept custody of the juvenile based on the charges and the agreement that facsimile copies will be forwarded as soon as completed.
   2. Any personal property taken from the juvenile at the time of detention.

804.6 Juvenile Contacts at School Facilities

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

a. Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile law enforcement presence when contacting a student.

b. Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officers should:
   1. When practicable and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or the reasons contact was not attempted should be documented.
   2. A formal interview with the juvenile may not proceed without the consent and presence of a parent, guardian or custodian (CRS § 19-2-511).
   3. The selected parent or other responsible adult will be permitted to be present during any interview.

c. An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult who, in the opinion of the officer, appears to be under the influence of alcohol or drugs or is otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.

d. If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. The exigent circumstances should be set forth in a related report.

804.6.1 Contact of Suspected Juvenile Abuse Victims

An officer should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless:

a. Exigent circumstances exist. For example:
   1. A reasonable belief that medical issues need to be addressed immediately.
   2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

b. A court order or warrant has been issued. In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist. Any juvenile student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

804.7 Release of Information Concerning Juveniles

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

804.7.1 Release of Information to Other Agencies

Colorado law authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager act within legal guidelines.

804.8 Additional Considerations Pertaining To Juveniles

804.8.1 Emergency Medical Care Of Juveniles in Custody

When emergency medical attention is required for a juvenile who is either in secure or non secure custody, the paramedics will be called. The Shift Supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as reasonably possible:

a. The juvenile court
b. The parent, guardian or custodian of the juvenile

804.8.2 Suicide Prevention of Juveniles In Temporary Custody

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in temporary custody, in either secure or non secure detention.

The detaining or transporting officer is responsible to notify the Shift Supervisor if he/she believes the juvenile may be a suicide risk. The Shift Supervisor will then arrange to contact a mental health team for evaluation, or the juvenile detention facility to arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile shall be under constant in person supervision until the transfer is completed.

804.8.3 Discipline of Juveniles While In Temporary Custody

Marshal's personnel are prohibited from administering discipline to any juvenile while the juvenile is in temporary custody.

804.8.4 Death of a Juvenile While Detained

The District Attorney and the Coroner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. In any case in which a juvenile dies while detained at the Crested Butte Marshal's Office, the following shall apply:

a. The Chief or the authorized designee shall provide and prepare all reports required by the state.
b. Upon receipt of a report from the Chief or the authorized designee about the in custody death of a juvenile, the state may inspect and evaluate the facility where the juvenile was being held.
c. A medical and operational review of every in custody death of a juvenile shall be conducted. The review team shall include the following:

1. The Chief or the authorized designee
2. The health administrator
3. The responsible physician and other health care and supervision staff who are relevant to the incident

804.9 Intoxicated and Substance Abusing Juveniles

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, and markedly disordered behavior related to amphetamines or hallucinogenic drugs.

A medical clearance shall be obtained prior to detention of juveniles at the Crested Butte Marshal's Office when the juvenile displays outward signs of extreme intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- There is a known history of ingestion or sequestration of drugs in a body cavity.
- The minor is known or suspected to have ingested any substance that could result in a medical emergency.
- The juvenile is intoxicated or under the influence of drugs to the level of being unable to care for him/herself.
- An intoxicated or under the influence juvenile whose symptoms are not showing signs of improvement. Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

  A medical clearance is required before the juvenile is transported to a juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

804.9.1 Monitoring Intoxicated Juveniles

A juvenile detained and brought to the Crested Butte Marshal's Office who displays symptoms of intoxication as a result of alcohol or drugs shall be directly and carefully monitored as outlined below until the juvenile no longer displays symptoms of intoxication. The juvenile will still be monitored on a 30 minute basis, as outlined in this policy. An intoxicated juvenile in secure or non secure custody will be monitored as follows:

a. Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Crested Butte Marshal's Office, and no less than once every 15 minutes until such time as the symptoms are no longer present.
b. Observation of the juvenile's breathing to determine that breathing is regular; breathing should not be erratic or indicate that the juvenile is having difficulty breathing.

c. Observation of the juvenile to ensure that there has not been any vomiting while sleeping; ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
d. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
e. The 15 minute checks of the juvenile shall be documented on the juvenile detention log.

Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns or convulsions), shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical facility. Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

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806 Citation/Summons and Release

806.1 Purpose and Scope

State law permits law enforcement agencies to use citation/summons release or a penalty assessment notice procedure in lieu of taking a person into custody and before a judge for traffic, misdemeanor or petty offenses, with certain exceptions.

806.2 Statutory Requirements

This department authorizes citation releases for certain traffic, misdemeanor or petty offenses. Release by citation with a promise to appear can be accomplished by issuing a notice to appear from a citation book or an electronic device (CRS § 16-3-105 and CRS § 42-4-1707). In addition, for a Class 2 petty offense and certain parking violations, a deputy may give the offender a penalty assessment notice and release the offender upon its terms (CRS § 16-2-201). The penalty assessment notice is required to be a summons and complaint containing:

a. The identification of the alleged offender.
b. Specifications of the offense and applicable fine.
c. A requirement that the offender pays the fine or appears to answer the charge at a specified time and place.
d. Other details that are reasonably necessary to meet the requirements of law.

806.2.1 Discretion to Arrest

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the County, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On duty officers who discover criminal activity outside the jurisdiction of the Town should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer. Deputies are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

806.3 Department Procedure

The following procedure will be followed to comply with the law.

806.3.1 Field Citations

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations for misdemeanors to all persons 18 years of age or older. The officer may also release subjects who were taken into custody on a private person's arrest whenever appropriate (CRS § 16-3-105 and CRS § 42-4-1707).

806.3.2 Jail Release

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail. Any person arrested for a misdemeanor offense shall be released by jail or court policy after the booking procedure is completed, unless the person is disqualified for other reasons listed below.

806.3.3 Disqualifying Circumstances

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present:

a. There is a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.
b. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated (CRS § 16-3-105(1)(b)).
c. The person does not have adequate proof of identification to verify their identity to be issued a citation.
d. The crime involves domestic violence (CRS § 16-3-105(1.5)).
e. The crime involves violence or dangerous weapons/firearms.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release should be noted on in the Affidavit for Warrantless Arrest.

806.3.4 Other Reasons for Non-release

If the person arrested is not released for one or more of the reasons specified in this policy, the arresting officer should state in the Affidavit for Warrantless Arrest the reason for non-release. Such reasons for non-release may include:

a. Previous failure to appear is on record.
b. The person lacks ties to the area, such as a residence, job or family.
c. Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

806.3.5 Penalty Assessments

A decision to use the penalty assessment procedure shall be based upon circumstances which reasonably persuade the officer that the offender is likely or unlikely to comply with the terms of the penalty assessment notice (CRS § 16-2-201(1)).

806.4 Juvenile Citations

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations. All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred, if necessary, for further investigation and diversion or forwarded to the prosecutor.

806.5 Requesting Case Numbers

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. However, most state statute sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

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Chapter 9 Personnel

900 Discipline Concepts and Guidelines

900.1 Purpose and Scope

To establish and outline the concepts of discipline to be used within the Marshal's department; and to establish guidelines for supervisors to follow in the application of discipline.

Discipline is a tool used for the channeling of individual effort into behavior and performance consistent with department objectives and accepted modes of conduct. It may include such activities as counseling, encouragement, reward, training or the imposition of punishment. The use of punishment as a disciplinary measure should normally be invoked only when other forms of discipline have not succeeded or when the gravity of the violation dictates its use for the good of the department.

The basic purpose of discipline is to modify behavior rather than just to punish. Each measure taken under given disciplinary circumstances should be designed to encourage better employee performance. Consistent and uniform treatment must be given to all employees to ensure total equity and to maintain the credibility and respect of the disciplinary process.

900.2 Progressive Discipline

900.2.1 Where appropriate, the concept of Progressive Discipline shall be followed, except that serious infractions may receive more severe disciplinary action commensurate with the severity of the violation(s).

900.2.2 Progressive Discipline may consist of the following steps:

a. Verbal warning.
b. Written warning or reprimand.
c. Suspension from work without pay.
d. Demotion or termination of employment.

900.2.3 Progressive Discipline is most appropriately used in situations such as:

a. Poor workmanship or low productivity.
b. Tardiness.
c. Attendance problems.
d. Safety rule or work infractions.
e. Abuse of sick leave.
f. Inability to get along with fellow workers.
g. Verbal abuse of employees or citizens.

900.2.4 Examples of situations where Progressive Discipline would not be appropriate are:

a. Insubordination.
b. Using intoxicants or being intoxicated on the job (which includes drugs).
c. Official dishonesty.
d. Stealing from the Town.
e. Physical assault of another employee, supervisor or citizen or excessive use of force on a citizen.

900.3 Positive Discipline

900.3.1 Positive Discipline may be defined as that form of training and attitudinal conditioning which may be used to reinforce desired conduct or alter behavior without invoking punishment.

900.3.2 Training provides a positive method for altering unacceptable employee behavior by providing insight or review into the correct methods of police operation and conduct. Training should not be administered as a punishment. Instead, it should be used and viewed as a positive learning experience for the employee, designed to correct a deficiency rather than to punish unacceptable performance.

900.3.3 Counseling also provides a positive method for seeking change in employee behavior. When a supervisor assumes the role of counselor the following elements should be considered by the supervisor:

a. The supervisor should attempt to determine whether the type of counseling needed is within the realm of his/her expertise and if not, help arrange for outside counseling.
b. Facts relevant to the employee's work history, prior disciplinary actions and present levels of performance should be reviewed prior to the counseling session.
c. Counseling should be in private and enough time should be allotted to ensure uninterrupted attention to the employee and the issues to be discussed.
d. **The goal of any counseling session should be to make the employee aware of the reason for the counseling and to reach an agreement on what will take place to correct performance deficiencies.**
e. All employee counseling sessions should be documented by the supervisor and retained in the employee's performance file.

900.4 Negative Discipline

900.4.1 Negative Discipline may be defined as that discipline which takes the form of punishment. When positive methods of discipline do not succeed or

when they are inappropriate to the violation being addressed, negative discipline is applied.

900.4.2 When negative discipline is applied the department will adhere to the following requisites of punishment:

a. Punishment must be fairly and impartially applied.
b. Certainty of punishment must be understood.
c. Imposition of punishment shall be timely.
d. Punishments for similar breaches of conduct must be consistent.

900.5 When Discipline Is Appropriate

900.5.1 Positive Discipline. The use of positive discipline, in the form of open and public praise for good job performance, positive work attitude, training and the like, is encouraged at any time a supervisor feels that it is appropriate.

900.5.2 Negative Discipline. Negative discipline is appropriate when a violation of some known work rule, practice or directive has occurred, or when the employee's job performance is substandard or not in compliance with the directives of the Town or Department, or the directions of the supervisor.

900.6 Documentation

900.6.1 The success of the disciplinary process is heavily dependent upon the accuracy, consistency and fairness of its application. To ensure that these elements of the process are always present it is necessary to adequately document each incident of discipline. Documentation also supports the concept and application of progressive discipline.

900.6.2 Depending upon the incident, documentation of discipline may be initiated through an Employee Observation Report (EOR) or Awards Nomination Form:

a. Employee Counseling Report: Used to document minor discipline issues such as verbal warnings and verbal commendations.
b. Letter of Commendation: Used to document excellence in performance.
c. Letter of Reprimand: Used to document major discipline issues.
d. Letter of Disciplinary Action: Used to document major discipline issues which result in suspension, demotion, or termination.

900.7 Imposition of Negative Discipline

900.7.1 Normally, negative discipline is imposed in progressive steps where infractions of a similar nature are being dealt with.

900.7.2 An employee should be clearly advised of the reason for the negative discipline and the exact infraction or work rule violation that the discipline is being imposed for.

900.7.3 When the degree of negative discipline involves one of the sanctions listed below, a notice shall be delivered to the affected employee, advising of the "Recommendation for Discipline".

a. Letter of Reprimand.
b. Suspension (other than emergency suspension).
c. Demotion or termination of employment.

900.7.4 The above notification should be in letter form and should contain:

a. Employee's name.
b. Contemplated disciplinary action.
c. Synopsis of the violation including date(s), time(s) and location(s).
d. List of the violation(s) that the disciplinary action is based on.
e. Notice of a date by which a hearing must be set on the matter if a hearing is desired.
f. Notice of a date by which a response to the contemplated discipline is required.
g. Signature of the supervisor who is recommending the discipline.

900.8 The Administrative Process

900.8.1 When a supervisor determines that the use of negative discipline is appropriate the following steps will normally be taken;

a. A "Recommendation for Discipline" letter should be written, and forwarded to the Chief Marshal, that outlines the incident, the violation(s) committed and the recommended disciplinary action.
b. The chief will review the letter and either concur with the recommendation or suggest revisions.
c. Upon concurrence of the Chief Marshal, the letter will be delivered to the affected employee.

900.8.2 An employee who has received a letter of recommendation for discipline or a letter of discipline shall:

a. Acknowledge receipt of the letter by signing and dating it when it is delivered.
b. Provide written request for a hearing, within the time frame provided on the letter, if a hearing is desired.
c. Be advised that failure to respond to the letter within specified time parameters will invoke the discipline or recommended discipline by default (uncontested).

900.9 Appeals

900.9.1 Appeals of disciplinary actions will follow the procedure identified in the **Town Personnel Manual, Section 7.2, EMPLOYEE GRIEVANCES.**

900.9.2 Disciplinary actions taken by the Chief may be appealed to the Town Manager using the specified process.

900.10 Maintenance of Discipline Records

900.10.1 A Employee Observation Report is retained in an employee's performance file until completion of the employee's annual evaluation. At that time the report is filed with the performance evaluation.

900.10.2 A letter terminating employment is retained in an employee's personnel file. It may not be purged.

900.10.3 Letters of reprimand, suspension, and disciplinary demotion are retained in an employee's personnel file. No employee will have any adverse comments entered into the employee's departmental personnel file, or any other files used for any personnel purposes by the department, without the employee having first reviewed the document.

Source: CBMO
Standard: CACP 50.3, 170.11, 171.2, 171.6, 171.7
Issued: January 15, 1997
Revised:

902 Awards

902.1 Purpose and Scope

The purpose of this policy is to define the requirements by which the department recognizes a sworn or civilian employee for his/her outstanding performance. Employees of other law enforcement agencies working with personnel of the Marshal's Office may also be recognized via this award procedure.

The Marshal's Department may recognize members through departmental awards in the following manner.

902.1.1 Anyone may submit a sworn or civilian member of this department, or in certain instances, members of cooperating agencies, for receipt of the awards listed in section "902.2 Types of Awards".

902.1.2 The nomination shall be provided on the "Award Nomination Form" and signed by the submitter. One form shall be completed for each employee nominated, but only one narrative is required. A copy of the police report where the performance occurred shall also be attached.

902.1.3 For an award to be presented the Award Committee shall approve the submittal if they are in agreement with the facts as stated which coincide with any official investigative reports and fit the criteria for commendation.

902.1.4 Nominations should be submitted within sixty days of the date of the incident or within sixty days of the conclusion of the investigation.

902.2 Types of Awards

The following is a complete list of the honors and the criteria for each: (Blackinton 1 3/8" x 5/8" CAB bars)

902.2.1 MEDAL OF VALOR (white/blue bar with "Valor"): This award is for an act considered extremely hazardous and above the call of duty, and under conditions where the chance of the member's escaping death are remote. A posthumous award shall be made where the employee lost his/her life under conditions and circumstances consistent with appropriate police practices.

902.2.2 MEDAL OF MERIT (White/blue bar with "Merit"): This award is given when a member is exposed to great bodily harm while carrying out a brave act beyond the call of duty under conditions and circumstances consistent with appropriate police practices.

902.2.3 MEDAL OF COMMENDATION (Blue bar with gold "star for each award): This medal is awarded for an act beyond the course of duty wherein an employee takes exceptional enforcement action. This may include, but not be limited to, preventing a major crime wherein such action protects life and property; apprehending a dangerous criminal following the commission of a felony and under unusual circumstances.

902.2.4 MEDAL OF ACHIEVEMENT (Blue/white bar with "service"): This award is given when an employee has rendered a service beyond the course of duty and/or because of diligence, tenacity, and perseverance, acts in a manner that brings credit to the Crested Butte Marshal's Department and supports the goals of the organization.

902.2.5 LIFESAVING MEDAL (White/Red bar with red cross): Is awarded when a member saves another's life while placing his/her own life in extreme danger.

902.2.6 WOUND MEDAL (white with purple center): Is awarded to an employee who, during the performance of his/her duty, has been seriously injured by the hostile act of a criminal offender. If the performance of the employee fits the criteria for the Medal of Valor, Merit, Commendation, Achievement, or Lifesaving, one of these medals may also be awarded.

902.2.7 LETTER OF COMMENDATION: The Chief Marshal may issue a commendation to any employee who has rendered a service reflecting credit upon the employee and upon the Department. Such service may include, but shall not be limited to, outstanding criminal arrests; outstanding work activity; continuous arrest credits; and support activity.

902.2.8 LETTER FOR LIFESAVING: The Chief Marshal may issue a letter for lifesaving to any member who has saved the life of another in circumstances where the member's own life was not in danger.

902.2.9 WOUND LETTER: The Chief Marshal may issue a Wound Letter to any employee for an injury to any part of the body sustained as the result of a hostile act of a criminal offender. A wound, for which this award is given, must have occurred in the performance of duty, and must have required medical treatment. The incident must be a matter of official record.

902.2.10 UNIT CITATION - MERITORIOUS: The Meritorious Unit Citation is awarded to a unit that has displayed heroism or meritorious service performed as a result of a group effort under extremely difficult and hazardous conditions.

902.2.11 UNIT CITATION - ACHIEVEMENT: The Achievement Unit Citation is awarded to a unit that has displayed exceptional performance of outstanding services for at least three (3) continuous months.

902.2.12 Additionally, the Department recognizes civilians, who like our members, go above and beyond the call of duty as citizens. They are recognized at a ceremony giving them proper recognition. Their achievements are also a vital component of the public relations mission and thus, information that should be disseminated to the general media.

902.3 Awards Committee

902.3.1 The Awards Committee shall consist of the following: Town Manager, Chief Marshal and Deputy Chief Marshal.

902.3.2 The Awards Committee shall meet at the discretion of the Chief Marshal to consider award nominations submitted from previous months. The Awards Committee shall recommend a disposition or award appropriate to the incident for which the member has been nominated.

902.3.3 Awards Committee attendances where a representative cannot attend, he/she shall have the ability of reviewing the submitted packet, and forwarding the notation of vote to the chairman.

a. Each nominee can receive only one award for any single incident or investigation, with the exception of the Wound Medal.
b. Awards shall be presented at scheduled ceremonies. All awards shall be made part of the employee's personnel file.

902.3.4 The Committee will decide if the criteria for an award have been met.

a. A unanimous vote by the Committee is needed for presentation of any award.
b. If a member of the Committee is the nominee, he will withdraw from voting and allow the other members to vote on his award nomination.

902.4 Award Nomination

902.4.1 Any employee, commissioned or civilian, may recommend any employee, commissioned or civilian, for a departmental award. This nomination shall be signed by the submitting person and submitted on the Awards Nomination Form. One form shall be filled out for each person being nominated, but only one narrative is required. A copy of a police report shall accompany this nomination.

902.4.2 Nominations shall be submitted to the Chief Marshal within sixty (60) days of the date of the incident or within sixty (60) days of the conclusion of the investigation.

902.5 Presentation

902.5.1 Awards should be presented in a public forum where appropriate. Sufficient notice shall be given to the recipient to allow family and friends to be present for the presentation.

902.5.2 The Chief Marshal, or his designee, will conduct the administrative duties of the Awards Committee.

902.6 Awards Other Than Department Awards

Any employee of the Crested Butte Marshal's Department who has been nominated for an award, or has been informed they will be the recipient of an award, from any outside or private group, for actions taken in the course and scope of their official duties, shall first notify the Chief Marshal prior to accepting the award.

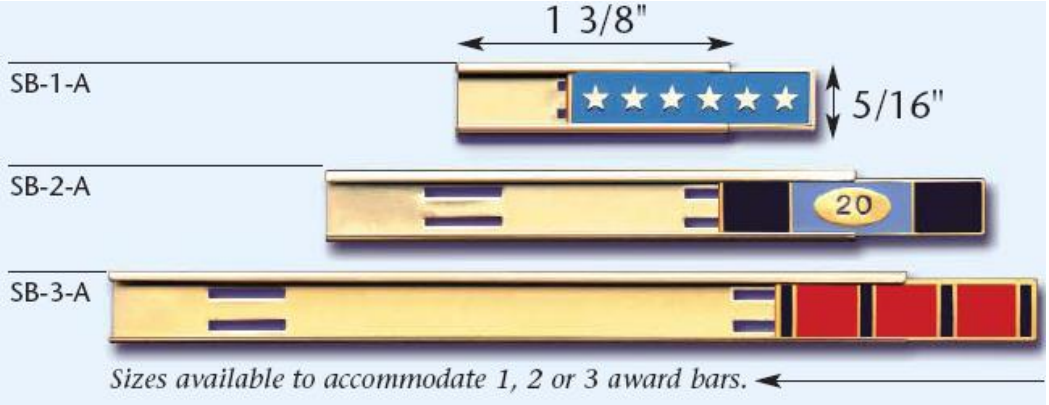
902.7 Wearing of Awards

902.7.1 When a department member has been awarded one of the above medals that medal shall be worn whenever the member is in dress uniform.

902.7.2 Medals will be worn over the nameplate, above the right pocket. Medals will be worn centered and parallel to the top of the pocket.

902.7.3 Multiple awards should be linked by a connecting bar to ensure their orderly appearance. No more than three bars will be worn on each connecting bar.

902.7.4 Priority for bars will be in the order from the wearer's right to left, top to bottom as follows; Valor, Wound, Merit, Lifesaving, Commendation, Achievement.



Source: CBMO
Standard:
Issued: February 15, 2005
Revised:

AWARDS NOMINATION FORM

Addendum B

Submitting Party:

Contact Information:

☐ Individual Citation (Complete this section)

Full Name of Nominee:

Place of Assignment:

The following information is required for issuance of a Savings Bond, if awarded:

Home Address: Zip Code:

Full Name of beneficiary or co-owner (circle one)

☐ Unit Citation (Complete this section)

Name of Unit:

Unit Commander:

Name of Each Member:

Incident: I.R. #: -

Date and Time of Incident:

Location:

Number of Persons Arrested:

Charges:

Weapon Involved? (YES or NO) How Used?

What Type Weapon? Recovered? (YES or NO)

Any Officer/s injured (YES or NO) How Many?

Name of injured Officers and how injury occurred:

Injuries sustained by persons other than police? (YES or NO). Explain:

<u>If nomination is for more than one officer, complete a cover sheet for each.</u>

Cover sheet number ____ of ____ sheets submitted.

Explain in detail the actions of the person(s) nominated. Attach a copy of the police report if available and appropriate. Use additional narrative sheet(s), if needed.

CRESTED BUTTE MARSHAL'S DEPARTMENT
Standard Operations and Procedures

TO: _____ (nominee)

_____ (submitter)

FROM: AWARDS COMMITTEE

SUBJECT: NOMINATION DISPOSITION

Date: ____/____/____

The AWARD NOMINATION of:

I.R. Number: -

Has been classified as rating:

1. MEDAL OF VALOR
2. MEDAL OF MERIT
3. MEDAL OF COMMENDATION
4. MEDAL OF ACHIEVEMENT
5. LIFESAVING MEDAL
6. WOUND MEDAL
7. LETTER OF COMMENDATION
8. LETTER FOR LIFESAVING
9. WOUND LETTER
10. UNIT CITATION – MERITORIOUS
11. UNIT CITATION - ACHIEVEMENT
12. No Award Rated

AWARDS COMMITTEE

_____ Town Manager

_____ Chief Marshal

_____ Deputy Chief Marshal

904 Complaint Process

904.1 Policy

It is the policy of the Town and the Crested Butte Marshal's Department to accept and fairly and impartially investigate all complaints and allegations of employee misconduct or deficiency in services provided by the employee to determine the validity of complaints and allegations and to impose any corrective actions that may be justified in a timely and consistent manner.

904.2 Definitions

Bias: Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

Complaint: An allegation of misconduct against an employee or an allegation that services performed by the employee were deficient or improper that, if true, would constitute a violation of Department policy or federal, state, or local law, policy, or rule. A Complaint may be generated internally or by the public.

Corrective Action: The response to a Complaint, which may include counseling, additional training and/or disciplinary action.

Department: The Town of Crested Butte Marshal Department.

Formal Complaint: A matter in which further action is warranted. The determination that further action is warranted will be made by the Town Manager or their designee. Such complaints shall be investigated by the Town Manager or their designee. The Chief Marshal or members of the Marshal's department shall not manage investigations of formal complaints.

Incomplete Complaint: A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Town Manager, such matters may be further investigated depending on the seriousness of the Complaint and the availability of sufficient information.

Service Complaint: A complaint which does not rise to the level of misconduct but is instead resolvable through education; with an explanation to the complainant of the law, policy, or procedures or, the employee being receptive to constructive criticism which may improve the Town/Department's level of service.

Town Manager: The Town Manager of the Town of Crested Butte.

904.3 Receipt and Filing of Complaints

904.3.1 Lodging Complaints

Complaint forms shall be made available through Department personnel, at designated public facilities, and via the Internet.

All Complaints shall be courteously accepted by any Town employee including Departmental personnel and promptly given to the appropriate supervisor.

A Complaint may be received either in person, over the telephone, in writing, on the Town website or by email. Although receipt of a written Complaint is preferred, a Complaint may be received orally, either in person or over the telephone.

In the case of an oral Complaint, the Complaint shall be directed to a supervisor of rank greater than the accused employee or referred to the Town Manager. If a supervisor is not immediately available to take an oral Complaint, the receiving employee 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. The supervisor shall ensure that the nature of the Complaint is defined as clearly as possible. The complainant should be asked to verify by signature if the Complaint is a complete and accurate account. If the complainant elects not to sign, this fact shall be documented and forwarded to the Town Manager or their designee and the investigative process should proceed.

Employees shall assist individuals who express the desire to lodge a Complaint against any employee of the Department. This may include, but is not limited to,

a. Calling a supervisor to the scene to document the Complaint
b. Informing the complainant of the procedures for processing the Complaint
c. Providing referrals to individuals and/or locations where such Complaints can be made in person; or
d. Explaining alternative means for lodging Complaints.

904.3.2 Documentation

All Complaints, including but not limited to oral Complaints, shall 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 a monthly basis, the Town Manager should audit the log and send an audit report to the Town Marshal and Town Council.

The complainant shall be provided with a copy of the Complaint whether made orally or in writing.

904.4 Assessment and Investigation of Complaints

904.4.1 Authority

The primary responsibility for the investigation of a Complaint shall rest with the Town Manager or their designee including outside investigatory authorities and consultants if the Town Manager determines such additional resources are appropriate. If the Town Manager determines that bias or conflict of interest are a concern in the complaint or investigation, they will utilize the services of an independent investigatory authority or consultant.

904.4.2 Preliminary Assessment of Complaints

Upon receipt of a Complaint, whether complete or incomplete, the Town Manger shall be notified via the chain of command as soon as practicable and without unreasonable delay.

904.4.3 Due Diligence

Town Manager or their designee shall proceed with due diligence to complete the investigation within a reasonable amount of time and without unreasonable delay. Every investigator shall be trained regarding inherent and personal bias.

904.4.4 Incomplete Complaint Investigation

The Town Manager will determine whether to contact the complainant, and/or investigate as a Formal Complaint.

904.4.5 Formal Complaint Investigation

Investigations of Formal Complaints shall be thorough, complete, and in the following format:

Introduction: Include the identity of the employees, the identity of the assigned investigators, the initial date and source of the Complaint.

Synopsis: Provide a brief summary of the facts giving rise to the investigation.

Report: Each allegation shall be set forth separately with a comprehensive and detailed summary of each allegation, the findings relevant to each allegation, the details of the evidence applicable to each allegation (including but not limited to comprehensive summaries of employee and witness statements and other evidence related to each allegation). Exhibits, including but not limited to recordings, photos, documents, and other evidence, shall be attached to the report.

Disposition: A recommendation regarding further action or disposition should be provided for each allegation.

904.5 Investigative Interviews of Employees and Procedures

904.5.1 Investigative Interviews

Prior to being interviewed, the subject employee should be advised of the nature of the Complaint.

All interviews should be conducted while the employee is on regularly scheduled duty hours, unless the seriousness of the investigation is such that an immediate interview is required.

The complete interview shall be recorded. Where applicable, the recording shall note the time at which breaks are taken in the interview process, who requested the break, and the time at which the interview resumed.

The employee shall be provided with the name, rank and command of all persons present during the questioning.

The employee shall be provided with applicable warnings regarding compelled statements.

Employees may have a personal or professional representative with them during any internal investigative interview, as long as the individual is not involved in any

manner with the incident under investigation.

904.5.2 Examinations and Searches

The employer may direct that the employee submits to a breath, urine, or polygraph examination if not prohibited by law or collective bargaining agreement and it is believed that such an examination is pertinent to the investigation and/or there is reasonable suspicion that alcohol and/or drug usage is suspected as the factor directly related to allegations of misconduct subject to applicable laws.

An employee can be required to participate in a lineup if it is used solely for administrative purposes.

Property belonging to the Department is subject to inspection for investigative purposes unless the employee has been granted a reasonable expectation of privacy, such as a purse, briefcase, or locked luggage.

904.6 Disposition of Complaints

904.6.1 Disposition Recommendation

Each Complaint shall be classified with one of the following disposition recommendations:

Unfounded: When the investigation discloses that the alleged facts did not occur or did not involve Department employees. 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 lawful and proper.

Not Sustained: When the investigation discloses that there is insufficient evidence to sustain the Complaint or fully exonerate the employee.

Sustained: When the investigation discloses that there is sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses improper or deficient job performance or misconduct that was not alleged in the original Complaint, the investigator shall take appropriate action with regard to additional allegations.

If the Town Manager is not the primary investigative authority, a copy of the findings and recommendations shall be submitted for review by the Town Manager. The Town Manager may make any additional inquiries or investigative measures deemed necessary to verify, authenticate, or clarify findings and recommendations of the investigative report.

If the Complaint is Sustained, and it is determined that formal administrative charges shall be brought, a formal document shall be prepared by the Department or Town Manager as appropriate; signed; and served upon the subject employee. The formal document shall provide:

a. The nature of the administrative charges;

b. A copy of the investigative file; and

c. The designated time period in which the employee can respond to charges and the required format of the response.

The employee may appeal the proposed charges as provided by law, ordinance,

collective bargaining agreement, or Department or governing jurisdiction procedure.

Employees who desire an opportunity to be heard on these proposed changes may make a request for a hearing to the Town Manager within the time period permitted for this action.

Following a hearing or written response of the subject employee to the charges, the Town Manager shall determine an appropriate disposition of the charges or may remand the case for further investigation or related actions.

904.6.2 Documentation of Disposition

The Department shall verify to the Town Manager when the Corrective Action has been taken. A written copy of the disposition shall be provided to the subject employee. Where the findings do not support the charges, Town Manager shall keep a record of the Complaint with supporting documentation for reporting and accounting purposes. A copy shall also be provided to the subject employee.

Following final disposition of the Complaint, a letter shall be sent to the complainant from the Department or the Town Manager explaining the final disposition. Such letter shall generally be limited in scope to specify the outcome of the investigation. Specific details regarding the imposition of discipline will not be disclosed.

904.6.3 Basis for Corrective Action

Employees are subject to Corrective Action for violations of law or Department policy, rules or regulations.

All Corrective Actions are subject to, and shall be consistent with, applicable law, local ordinances, administrative rulings, and collective bargaining agreements.

Employees who withhold information from, or fail to cooperate with, investigations or who fail to report misconduct or employees are subject to disciplinary action, in addition to any other Corrective Action that may result from the investigation.

Source: CBMO
Standard: CACP, IACP Model Policy April 2019
Issued: January 15, 1997
Revised: May 6, 2014. August 10, 2021, November 29, 2021, January 22, 2022

906 Critical Incident Stress Debriefing

906.1 Scope and Purpose

To establish the department policy and procedures for the support of employees exposed to traumatic experiences and for participation in a regional Critical Incident Stress Debriefing (CISD) team.

The department recognizes that as emergency service responders, all employees are faced with situations that may generate strong emotional responses. The stress generated may affect the employee(s) immediately, hours, days, weeks, months or years later. Each employee reacts differently to traumatic situations. Employees must learn to recognize their individual reaction and realize that it is a normal reaction to an abnormal event.

With this in mind the department endorses the use of what is known as Critical Incident Stress Debriefing (CISD) based on a widely recognized model, for incidents affecting three or more emergency services workers. For other situations individual resources are available through Police Chaplains or private sources.

906.2 Procedures

906.2.1 Employees will be provided with training in CISD as part of the Police Training Officer (PTO) Program and regular in-service training. Training will provide information necessary to aid the employee in recognizing and dealing with stress reactions caused by exposure to critical and extraordinary incidents.

906.2.2 Any employee who feels in need of such services may notify a supervisor. If the need for a CISD Team is established the supervisor will notify the CISD Team. Guidelines for CISD activation are:

a. Death or serious injury of an emergency services worker in the line of duty.
b. Mass casualty incidents resulting in death or serious injury.
c. Suicide or unexpected death of an emergency service worker.
d. Death as a result of law enforcement action.
e. Death or serious injury of small children.
f. Any situation in which emergency service workers demonstrate or express signs of stress.

906.2.3 Participation in the CISD team is a collateral assignment. The Chief may grant time off with pay, reimbursement for transportation, room and board, or expenses while serving in a CISD team response.

Source: CBMO
Standard:
Issued: 5/6/2014
Revised:

907 Peer Support Team

907.1 Purpose

To provide support to members experiencing personal and/or work-related stress, and also during and following traumatic incidents while on or off duty. In addition, the Peer Support Team provides support for members and their families who experience stresses generated by the role of law enforcement.

907.1 Definition(s)

Clinical Supervisor - A licensed mental health professional who will provide guidance, training, and supervision for the Peer Support Team.

Traumatic Incident - An experience that has the potential to cause physical, emotional, psychological distress, or harm. It is an event that is perceived and experienced as a threat to one's safety or to the stability of one's world. Traumatic incidents may include, but are not limited to:

- Use of force involving serious bodily injury or death;
- Officer involved shootings;
- Death of a fellow or former member;
- Assault on a member;
- Hostage situations;
- In custody deaths;
- Vehicular crashes that involve serious bodily injury or death involving a member;
- Significant personal life incidents;
- Unusual catastrophic incidents (e.g. tornado, airplane crash, school bus crash, fires, floods, etc.) that cause loss of property, serious bodily injury, or death.

Traumatic Incident Debrief – A voluntary meeting of involved parties to talk about the traumatic incident and the issues it may have caused or will cause. These meetings are confidential and are moderated either by a Peer Support Team member or the Clinical Supervisor.

Immediate Family Member – A member's child who is under 18 or an adult child incapable of self-care, parent, spouse, civil union/domestic partner, legal dependent, or a person in the household for whom the employee is the primary caregiver.

Peer Support Team (PST) - Provides support for department employee(s) and their families. The Peer Support Team provides prevention and support services, and adheres to standards set by C.R.S. 13-90-107 and to the Peer Support Team Operational Guidelines.

Program Coordinator - A member who has been selected to serve as the PST

Program Coordinator by the PST Steering Committee.

907.3 Policy Statement(s)

Past, present, or future membership with the PST will never be considered for the promotional process. The PST is comprised of personnel (designated by each department's Chief) and operates under the general direction of the PST Clinical Supervisor and the specific direction of the team coordinator and assistant coordinators. A peer support steering committee will be made up of the program supervisor(s) and team coordinator(s) and assistant coordinator(s).

This committee will oversee the long-term planning of the peer support committee and will conduct application/selection of positions in the PST program. The program supervisor(s) will be responsible for overseeing the administrative side of the program. The team coordinator(s) will be responsible for day-to-day operations.

Any member and their immediate family may request PST assistance with personal or work-related matters. While engaged in a PST role, PST members shall not be utilized for other assignments. In the event that any member directly involved in a traumatic incident requests a particular PST member, supervisors shall make reasonable efforts to release the PST member requested from their current duty so that the PST member may provide peer support to the involved member.

Contact with a PST member is confidential only when the PST member and employee(s) acknowledge that their interaction is a formal peer support contact. Issues discussed with a Peer Support Team member during any peer support contact shall be considered confidential and not subject to disclosure during an administrative investigation without the consent of the employee(s), unless:

• The PST member independently witnessed the traumatic incident in question;
• The PST member possesses independent knowledge of the traumatic incident in question; or
• The PST member has been informed of any criminal conduct involving the member in question. To the extent permitted or required by law, issues discussed with a Peer Support Team member during any peer support contact shall be considered confidential and, unless otherwise mandated by law, shall not be subject to disclosure during a criminal investigation without the consent of the employee(s). Peer Support Team members in the course of their duties are granted protection from testifying about their contacts with employee(s) by C.R.S. 13-90-107. The protection of privileged communication will not apply in the following circumstances:
• When a PST member is a witness or a party to an incident which prompted the delivery of peer support services;
• Information received by a PST member is indicative of actual or suspected child abuse, as described in section C.R.S. 18-6-401, or actual or suspected child neglect, as described in section C.R.S.19-3-102;
• Actual or suspected crimes against at-risk persons, as described in section 18-6.5-103;
• Due to alcohol or other substance intoxication or abuse, as described in sections C.R.S. 27-81-111 and 27-82-107, the person receiving peer support is a clear and

immediate danger to the person's self or others;
• There is reasonable cause to believe that the person receiving peer support has a mental illness and, due to the mental illness, is an imminent threat to himself or herself or others or is gravely disabled as defined in section C.R.S. 27-65-102;
• Per C.R.S. 13-90-107, information indicative of any criminal conduct.

Peer Support Team members who are called out or otherwise function in their PST capacity during off-duty hours will be compensated per policy. All efforts should be made to schedule adjust the time spent in the peer support role, so as not to accrue overtime. PST members should respond in a department issued vehicle, if available, but will be compensated for mileage if a personal vehicle is utilized. Per diem will be paid if necessary for overnight stays caused by traumatic incident responses.

907.4 Operational Procedures

907.4.1 Availability and Team Response

a. Any member involved in a traumatic incident may receive support and counseling, if requested, from a member of the PST under the direction of the PST Clinical Supervisor. The PST is available on a 24-hour call-out basis, via the peer support coordinators. Any member may request a team member, or a specific PST member, to respond to an incident.

b. When a member is involved in a traumatic incident they should be removed from the immediate area as soon as reasonably practical, as long as it does not interfere with any investigation. The member is assigned a member of the PST who will maintain close contact with the employee(s) and immediate family members to facilitate/provide whatever assistance is necessary, in conjunction with other established employee(s) assistance programs.

c. PST members will be asked to respond to the scene of any traumatic incident or other location to meet with involved personnel to provide immediate support. PST members will be requested by a supervisor to respond in the following situations:

1. Any traumatic incident;
2. Any incident where a supervisor requests a response;
3. Upon request of an involved member.

d. During large scale incidents the PST coordinator will attempt to keep uniformed PST members available for either duty.

e. PST members will contact a team coordinator prior to responding to a traumatic incident. If this is not possible, PST members must notify a team coordinator as soon as practical. PST members will not be precluded from proactive contact with members or member initiated interactions.

f. Supervisors may recommend members utilize the PST if it is thought that PST support would assist the person to better manage personal or work-related stress. Supervisors who either recommend a member reach out to the PST or asks the PST to reach out will not be given any information regarding the contact or lack thereof.

907.4.2 Traumatic Incident Debriefing

a. Traumatic incident debriefing, is a resource for personnel who have recently

experienced a traumatic incident. The PST, under the direction of the PST Clinical Supervisor and in coordination with area supervision, will determine whether a traumatic incident debriefing is necessary following an incident. Traumatic incident debriefing is open to all personnel directly involved and/or affected by the traumatic incident. Participation in any traumatic incident debriefing or other group interaction is voluntary.
b. PST member facilitated debriefings must be approved by the PST Clinical Supervisor and shall be conducted in accordance with the PST Operations Guidelines. The identity of participants and information discussed during any PST-member facilitated debriefing or other group PST interactions are considered confidential but is only protected by CRS.13-90-107 if the PST Clinical Supervisor is present. Debriefings and other group interactions conducted under the facilitation of the PST Clinical Supervisor are confidential within the limits prescribed by law.

907.4.3 Professional Standards Investigations and/or Complaint Investigations
a. Members involved in any member conduct complaint and/or administrative investigation that would like assistance in dealing with stress related issues arising from the investigation or inquiry may utilize services of the PST.

1. Members will not discuss the details of any allegation of misconduct with PST members.
2. PST members will terminate any discussion about the details of the traumatic incident in question.
3. PST members will not provide legal advice or comment on the investigation but will assist the member in dealing with the corresponding stress.
4. Only PST members who are not involved in the investigation may be utilized.

Source: Colorado State Patrol policy 2.01.0210
Standard:
Issued: January 19, 2022
Revised:

908 Line of Duty Death or Serious Injury

908.1 Overview

The Crested Butte Marshal's Department recognizes the inherent risks and dangers that accompany professional law enforcement. The Department also recognizes the responsibility owed to its members, member's families and fellow officers should an officer be injured or killed.

Considering the intimate nature of Town, the death or serious injury of one of its officers is likely to affect everyone deeply. This document establishes procedures aimed toward giving the proper support and emotional care for a member's family and co-workers following a line of duty death or serious injury.

We must see that these types of incidents are handled with dignity, respect and humanity. During such time, when all may seem confusing, this protocol should be used as an effective guide to ensure that these lofty goals are met. The guidelines should not rule out acts that are in keeping with the spirit of the document but may have been omitted through oversight.

908.2 Standard

The Department will provide liaison assistance to the immediate survivors of a member who dies or is seriously injured in the line of duty. This assistance is provided whether the death was unlawful or accidental (i.e. automobile accident, hit by passing vehicle during a traffic stop, training accident, etc.) while the member was performing a police-related function, either was on or off-duty and while he or she was an active member of the Department. The Chief Marshal may institute certain parts of this guideline for cases of a member's natural death. The Department will also provide clarification and comprehensive study of survivor benefits as well as emotional support during this traumatic period of readjustment for the surviving family and co-workers. Funeral arrangements for a deceased member are to be decided by the family, with their wishes taking precedence over the Department's.

908.3 Discussion

Coordination of events following a line-of-duty death is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. These efforts should in no way subtract from any ongoing investigative aspects but should be seen as an equally important set of duties.

In order to provide the best possible services and support for the member's family, specific tasks may be assigned to members of the Department or allied agencies. An explanation of each of these responsibilities is contained in this Order.

<u>Initial duty positions:</u>

- Notification Officer
- Hospital Liaison Officer
- Family Liaison Officer

<u>Post incident positions:</u>

- Benefits Coordinator
- Honor Guard Commander
- Traffic Supervisor

- Department Liaison Officer
- Firing Detail Leader

Department members and members of interagency agreements may be called upon to perform more than one task. Outside agency support should be requested if appropriate. Additional outside assistance may also be requested to departments with specialized ceremonial units.

To ensure the member's wishes are followed members are encouraged to maintain an up-to-date "Confidential Line-of-Duty Death Information" form.

908.4 Procedures and Responsibilities

908.4.1 Notification

a. It is the responsibility of the Chief Marshal (see succession standard) to properly notify the next of kin of a member who has suffered severe injuries or died in the line of duty. The Chief Marshal may personally make the notification or designate a **NOTIFICATION OFFICER** to inform the survivors.

b. The Department will not release the name of the deceased member before the immediate family is notified.

c. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence at the time of notification.

d. Notification will be made in person and never alone. The Chief Marshal or his or her designee, chaplain, close friend, or another police survivor could appropriately accompany the **NOTIFICATION OFFICER.** However, if the aforementioned persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital prior to the demise of the member, do not wait for the delegation to gather. The family should learn of the death from the Department first and not from the press or other sources.

e. Never make a death notification on the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the **NOTIFICATION OFFICER** should relay as much information as possible to the family. Be sure to use the member's name during the notification. If the member has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead" rather than "gone away" or "passed away".

f. If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital. If the family insists on driving, a member should accompany them in the family car.

g. If young children are at home, the **NOTIFICATION OFFICER** must arrange for babysitting needs. This may involve co-workers' spouses, transportation of children to a relative's home, or similar arrangements.

h. Prior to departing for the hospital, the **NOTIFICATION OFFICER** should notify the hospital staff and the **HOSPITAL LIAISON** (by telephone if possible) that a member(s) of the family is in route.

i. The deceased or severely injured member's parents should also be afforded the courtesy of a personal notification whenever possible.

j. If immediate survivors live beyond the Gunnison County area, the **NOTIFICATION OFFICER** will ensure that the Gunnison Communications Center sends a Teletype message to the appropriate jurisdiction, requesting a personal notification. The **NOTIFICATION OFFICER** may choose to call the other jurisdiction by telephone in addition to the Teletype message. Arrangements should be made to permit simultaneous telephone contact between the survivors and the Department.

k. The Chief or a high-ranking representative should respond to the residence or the hospital to meet with the family as quickly as possible.

l. In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Whenever possible, communications regarding notifications should be restricted to the telephone. If the media has obtained the member's name, they will be advised to withhold the information, pending notification of next of kin.

908.4.2 Assistance for Affected Members

a. Members who were on the scene or who arrived moments after a member was critically injured or killed should be relieved as quickly as possible.

b. Police witnesses and other members who may have been emotionally affected by the serious injury or death of another member will attend a Critical Incident Stress Debriefing held by a trained mental health professional.

908.4.3 Assisting the Family at the Hospital

a. The first official, other than the Chief or his/her representative, to arrive at the hospital becomes the **HOSPITAL LIAISON.** The **HOSPITAL LIAISON** is responsible for coordinating the activities of hospital personnel, the member's family, police officers, the press and others. These responsibilities include:

1. arranging with hospital personnel to provide an appropriate waiting facility for the family, the Chief Marshal, the **NOTIFICATION OFFICER,** and others requested by the immediate survivors,
2. arranging a separate area for fellow police officers to assemble,
3. establishing a press staging area,
4. ensuring that medical personnel relay pertinent information regarding a member's condition to the family on a timely basis and before such information is released to others,

5. notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased member are directed to the Town of Crested Butte. The family should not receive any of these bills at their residence. This may require the **HOSPITAL LIAISON** to re-contact the hospital during normal business hours to ensure that proper billing takes place,
6. ensuring that the family is updated regarding the incident and the member's condition upon their arrival at the hospital, and
7. arranging transportation for the family back to their residence.

b. If it is possible for the family to visit the injured member before death, they should be afforded that opportunity. A police official should "prepare" the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. Medical personnel should advise the family of visitation policies and, in the event of death, explain why an autopsy is necessary.

c. The **NOTIFICATION OFFICER(S)** should remain at the hospital while the family is present.

d. Do not be overly protective of the family. This includes sharing specific information as to how the member met his or her demise, as well as allowing the family time with the deceased member.

908.4.4 Support of the Family during the Wake and Funeral

a. The Chief Marshal, or a designee, will meet with the member's family at their home to determine their wishes regarding departmental participation in the preparation of the funeral or services. All possible assistance will be rendered.

b. With the approval of the family, the Chief will assign a **FAMILY LIAISON OFFICER.** The chief will also designate a **DEPARTMENT LIAISON OFFICER** and a **BENEFITS COORDINATOR.**

908.5 FAMILY LIASON OFFICER

908.5.1 The selection of a **FAMILY LIAISON OFFICER** is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the member and his or her family. When possible, male/female "teams" should be utilized as **FAMILY LIAISON OFFICERS,** thus preventing bonding between the survivor(s) and member during a vulnerable time in the survivor's life.

908.5.2 This is not a decision-making position, but a "facilitator" between the family and the Department.

908.5.3 The **FAMILY LIAISON** acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the Department and the survivors and that their needs are met for as long as they feel the need for support.

908.5.4 If no court proceedings surround the circumstances of the member's death, the **FAMILY LIAISON** will relay all details of the incident to the family at the earliest opportunity.

908.5.5 If criminal violations surround the death, the **FAMILY LIAISON** will:

a. inform the family of all new developments prior to press release,
b. keep the family apprised of legal proceedings,
c. introduce the family to the victims' assistance specialists of the court,
d. encourage the family to attend the trial, and accompany them whenever possible, and
e. Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

908.5.6 Responsibilities of the **FAMILY LIAISON OFFICER** include:

a. Ensuring that the needs of the family come before the wishes of the Department.
b. Assisting the family with funeral arrangements and making them aware of what the Department can offer if they decide to have a police funeral. If they choose the latter, briefing the family on funeral procedure (i.e., presenting the flag, playing of taps, firing party).
c. apprising the family of information concerning the death and the continuing investigation,
d. providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting child care and transportation needs, etc.,
e. being constantly available to the family,
f. determining what public safety, church, and fraternal organizations will provide in terms of financial assistance for out-of-town family travel, food for funeral attendees following the burial, etc.,
g. Notifying Concerns of Police Survivors (C.O.P.S.), (573) 324-4911. Members are available to provide emotional support to surviving families, and
h. carrying a Department cell phone at all times.

908.6 Responsibilities of the **DEPARTMENT LIAISON OFFICER** include:

908.6.1 Working closely with the **FAMILY LIAISON OFFICER** to ensure that the needs of the family are fulfilled,

908.6.2 Handling the news media throughout the ordeal. If the family decides to accept an interview, a member should attempt to "screen" questions presented to the family so as not to jeopardize subsequent legal proceedings,

908.6.3 Meeting with the following persons to coordinate funeral activities and establish an itinerary:

a. Chief Marshal and Deputy Chief Marshal
b. funeral director,
c. family priest or minister,
d. cemetery director, and
e. Honor Guard Commander,

908.6.4 directing the funeral activities of the Department and visiting police departments according to the wishes of the family,

908.6.5 issuing a teletype message to include the following:

a. name of deceased,
b. date and time of death,
c. circumstances surrounding the death,
d. funeral arrangements (state if service will be private or a police funeral),
e. uniform to be worn,
f. expressions of sympathy in lieu of flowers or other appropriate notations, and
g. contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information,

908.6.7 establishing a command center, if necessary, to coordinate information and response to the tragedy,

908.6.8 developing a policy for the wearing of badge memorial ribbons and use of patrol vehicle memorial sashes,

908.6.9 obtaining an American flag(s), if the family wishes a flag presentation by the Chief,

908.6.10 determining if the family desires a burial in uniform and selecting a member to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home,

908.6.11 assigning members for usher duty at the church,

908.6.12 arranging for the delivery of member's personal belongings to the family,

908.6.13 briefing the Chief and staff concerning all funeral arrangements,

908.6.14 ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.

908.6.15 arranging for a stand by doctor for the family, if necessary,

908.6.16 assigning a member to remain at the family home during the viewing and funeral,

908.6.17 maintain a roster of all Departments sending personnel to the funeral, including:

a. name and address of responding agencies,
b. name of the Chief of Police,
c. number of officers attending,
d. number of officers attending the reception after the funeral, and
e. Number of vehicles.
f. assisting in making the necessary accommodation for food, lodging, etc.,
g. acknowledging visiting and assisting departments,

908.6.18 arranging for routine residence checks of the survivor's home by Patrol Officers for 6-8 weeks following the funeral. This service is necessary since large amounts of money are passing through the residence and the survivors will be spending time away from the home dealing with legal matters,

908.6.19 ensure that the members call sign/badge number is appropriately "retired".

908.7 BENEFITS COORDINATOR

908.7.1 The **BENEFITS COORDINATOR** will gather information on benefits/funeral payments available to the family. The **BENEFITS COORDINATOR** has the Department's full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are received.

908.7.2 The **BENEFITS COORDINATOR** is responsible for:

a. seeing that Worker's Compensation claims and related paperwork are filed,
b. contacting the appropriate offices without delay to ensure that the beneficiary receives death and retirement benefits, the member's remaining paychecks and payment for remaining annual compensatory time,
c. gathering information on all benefit/funeral payments, to include the Public Safety Officers Benefits Act, that is available to the family,
d. setting up any special trust funds or educational funds,
e. notifying police organizations such as CPPA, the Fraternal Order of Police, CLEOA, etc., of the death and ensuring that any and all entitlements are paid

to the beneficiary. These agencies may also offer legal and financial counseling to the family at no cost,

f. preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contacts at various benefits offices, and when they can expect to receive payment,

g. meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.

1. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.
2. Attention should be given to the revocation of health care benefits. Many providers allow a 30-day grace period before canceling or imposing monthly payments upon survivors, and
3. meeting again with family in about six months to ensure they are receiving benefits.
4. Continued Support for the Family

h. Members of the Department must remain sensitive to the needs of the survivors long after the member's death. The grief process has no timetable. More than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.

i. Survivors should continue to feel a part of the "police family." They should be invited to Department activities to ensure continued contact.

j. Members of the Department are encouraged to keep in touch with the family. Close friends, co-workers and officials should arrange with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.

k. The Chief Marshal should observe the member's death date with a short note to the family, flowers on the grave and/or wreath placement at the National Law Enforcement Officers Memorial.

l. Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.

908.8 Funeral Protocol

908.8.1 General Funeral Procedures

a. All members will maintain an excellent personal appearance. Uniforms and equipment must be in outstanding condition.

b. A black sash will be worn across the badge.

c. Funeral Services

d. The **Honor Guard Commander** will ensure that upon leaving the building, members will assemble in formation at right angles to the hearse.

- Two ranks will be formed facing each other, leaving an aisle through which the pallbearers and casket may pass.
- While waiting in formation, members will stand at parade rest.

e. When the casket comes into view, the **Honor Guard Commander** will call the formation to "ATTENTION". The next command will be "PRESENT, ARMS". All members will hold this salute until the casket is placed in the hearse. At this time, the command, "ORDER, ARMS", will be given and members will return to attention.

f. The **Honor Guard Commander** will dismiss the formation with the command, "OFFICERS DISMISSED." The members will break ranks and leave in a quiet and orderly manner.

g. Members will then take their assigned places in the motorcade and proceed to the cemetery with flashing lights (no sirens).

908.8.2 Gravesite Services

a. Members will report to the places that have been reserved for them immediately upon arrival at the gravesite.

b. Just prior to the gun salute and taps, the **Honor Guard Commander** will issue the command "OFFICERS RISE". Members will stand at attention facing the casket. When the gun salute and taps have concluded, the command "OFFICERS DISMISSED" will be given. Members will then break ranks and return to their assigned vehicles.

908.8.3 Honors Accorded

a. Any Crested Butte Marshal who dies in the line of duty will be accorded full honors if requested by the survivors. This will include the casket watch during viewing, honor guard, pallbearers, motor escort, firing details, taps, military flag fold and presentation.

b. The **Honor Guard Commander** is responsible for coordinating and directing the activities of the Honor Guard, casket watch, pallbearers, firing squad, bugler, and flag presentation.

908.8.4 Casket Watch

a. The casket watch is usually comprised of officers from the Honor Guard. However, volunteers may stand watch at the discretion of the **Honor Guard Commander**. Officers who are assigned to the casket watch must present an excellent uniform appearance and conform to all grooming standards.

b. If the family wishes, an informal watch can take place after the viewing has been concluded for the day.

908.8.5 Honor Guard

Members of the Honor Guard will assemble at a location near the service (church, funeral home, or cemetery) for inspection by the **Honor Guard**

Commander who will ensure that they are practiced and prepared to fulfill their duties.

908.8.6 In conjunction with the **Honor Guard Commander**, the **Traffic Supervisor** will be responsible for coordinating and conducting any and all movements of vehicles involved in the funeral. (Movement of the remains from the funeral home to the church, family processions, funeral processions) The **Traffic Supervisor** will be responsible for coordinating motor escorts and traffic management to safely move these processions.

908.8.7 Pallbearers/flag folders

a. If the family requests pallbearers, they (six) will be selected by the **Honor Guard Commander** who will ensure that they are practiced and prepared to fulfill their duties.
b. Pallbearers will be under the direction of the **Honor Guard Commander**. They will report to the funeral home as directed for instructions and seating arrangements.
c. The U.S. flag covering the casket will be placed so that the union blue field is at the head and over the left shoulder. The flag will not be placed in the grave or allowed to touch the ground.

- Flags for veterans are provided by the Department of Veteran's Affairs.
- The department will provide all other flags.

908.8.8 Firing Detail

a. The **Honor Guard Commander** will appoint one member of the Firing Detail as the **Firing Detail Leader**.
b. The firing detail will be composed of between three and seven officers. The fact that the firing party may consist of seven officers does not constitute a 21-gun salute. The tradition and custom is to fire three (3) volleys. The firing of three volleys is more important than how many officers constitute the firing detail.
c. The **Firing Detail Leader** and **Honor Guard Commander** will ensure that all weapons used are in proper functioning order and appropriate for use as blank firing Honor Guard rifles.
d. Each rifle will be loaded with 3 blank cartridges. Both the **Firing Detail Leader** and the **Honor Guard Commander** will check the loading process.
e. The **Firing Detail Leader** is responsible for marching the detail to the appropriate locations and will bring the detail to "present arms" when:

- the casket is being moved,
- the casket is being lowered into the grave,
- during taps.

908.8.9 Bugler/Piper

a. If requested (or available) a bagpiper playing "Amazing Grace" shall herald the casket as it is taken from the hearse to the gravesite.

b. A bugler, or two buglers in the case of echo taps, will be selected by the **Honor Guard Commander** who will ensure that the bugler is capable of playing taps.
c. In the event that no buglers are available then a recording of taps may be played.

908.8.10 Services

a. The ceremony will begin with the casket of the service member, which is draped with the American Flag being loaded into the hearse.
b. The hearse is escorted to the burial site where the (6) pallbearers will remove the casket from the hearse and carry it to the gravesite.
c. The piper will play Amazing Grace during this movement.
d. The Chaplain (Priest, Rabbi, etc) reads the Committal service.
e. Upon command the pallbearers stretch the flag tight at waist high over the casket.
f. The Pallbearers will sidestep away from the casket and fold the flag in the prescribed manner.
g. During the flag folding, three volleys will be fired on command of the **Firing Detail Leader**.
h. Taps will be played.
i. During Taps, the flag will be passed to the appropriate person (Chief/Chaplain) who will make the presentation to the next of kin. In the case of multiple flag presentations (wife/mother) two flags may be placed on the casket or one pre-folded.

908.9 Procedural Variation

The procedures outlined in this Order shall be followed in most cases. Any changes made necessary by a shortage of manpower, the unusual size of the funeral, the type of service, the physical arrangement of the place of service or for any other reason shall be made by the **DEPARTMENT LIASON OFFICER.** Nothing should preclude the use of outside agency manpower for casket watch, honor guards, firing details or motor escorts.

Any additional honors to be accorded to deceased members or employees of the Department or to deceased members of other law enforcement agencies shall be at the discretion of the Chief Marshal.

908.10 Resources

COLORADO STATE PATROL - Traffic Control

HQ:
700 Kipling St, Suite 3000
Denver, CO 80215
(303) 239-4400 or 4403
(970) 245-7911

Montrose (5-C):
2420 N. Townsend Av
Montrose, CO 81401
(970) 249-9575

COUNTY SHERIFFS OF COLORADO, INC.

900 N. US Hwy 85, Unit C
Littleton, CO 81125
(720) 344-2762
(720) 344-6500 fax
www.csoc.org.
Email: csoc@csoc.org

or

700 Ken Pratt Blvd #119
Longmont, CO
(303) 774-1532

908.11 BENEFITS

This section of the manual lists the benefits that may be available to survivors of officers who lose their lives, or in some cases are seriously injured, in the line of duty.

GOVERNMENT

COLORADO COMMISSION ON HIGHER EDUCATION - Benefit

Dependent's tuition assistance is available through the Colorado Commission on Higher Education. Tuition only is paid for 4years or 8 semesters to a state funded Colorado college or university. Contact: Colorado Commission on Higher Education, 1300 Broadway, 2nd Floor, Denver, CO 80203, (303) 866-2723.

COLORADO RETIREMENT BENEFITS

Contact Person

Human Resources (970) 349-5338
Town of Crested Butte

DIVISION OF WORKER'S COMPENSATION

Health Benefits

Varies depending upon police department benefits and health insurance plans or policies. Contact agency Benefits Assistance Officer: (970) 349-5338.

Workers' Compensation

A spouse or a spouse and child(ren) will receive 66 2/3% of the employee's wage, with a minimum weekly payment of and a maximum weekly payment. Benefits are subject to Social Security benefit offsets, excluding widows age 60 and older. There is also a maximum burial allowance.

Spouse receives a two-year lump sum payable upon remarriage if there are no dependent children. Children are compensated until age 18, or beyond age 18 if physically or mentally disabled, or until age 21 if full-time students.

To receive workers' compensation benefits the surviving spouse must take the initiative and file a workers' compensation claim through a workers' compensation attorney to receive any compensation. The determination as to whether the claim will be paid will be determined by the Workers' Compensation Appeals Board. Contact your agency's Benefits Assistance Officer or locate an attorney specializing in Workers' in Workers' Compensation Claims.

Contact:

Division of Workers' Compensation of the Department of Labor and Employment, 1120 Lincoln St, Ste 1200, Denver, CO 80203, (303) 764-2929.

FIRE AND POLICE PENSION ASSOCIATION

State of Colorado Death Benefits

To obtain certified copies of registered personal documents, contact the Bureau of Vital Records, Room 100, State Department of Health, 4210 East 11th Avenue,

Denver, Colorado 80220, (303) 320-8474.

Benefits are paid to the eligible survivors of Colorado police officers who have died while in active service. Death need not be service related for survivors to receive benefits.

Spouse's Benefits

May include a spouse by common-law marriage. Benefits paid to a surviving spouse range from 25 to 50 percent of the annual base salary paid to the member immediately preceding death. The actual benefit paid depends on whether the surviving spouse has dependent children, as follows:

1. If there are no dependent children, a surviving spouse receives benefits totaling 25 percent of the member's annual base salary. This benefit would be increased by one-half of one percent of the member's salary for each year of credited service that exceeds 25 years.
2. If there is one dependent child, a surviving spouse receives benefits totaling 40 percent of the member's annual base salary.
3. If there are two or more dependent children, a surviving spouse receives benefits totaling 50 percent of the member's annual base salary.

Benefits to a surviving spouse *can be reduced or even eliminated* under certain circumstances. If a spouse remarries, for instance, benefits will end. Benefits will be reduced if disbursements were received from the member's local money purchase plan.

Benefits are paid to dependent children alone if:

1. A member has no surviving spouse at the time of death, or
2. A surviving spouse remarries.

Benefits awarded depend on the number of dependent children, as follows:

1. One dependent child receives benefits totaling 25 percent of the members annual base salary.
2. Two dependent children receive combined benefits totaling 40 percent of the member's annual base salary.
3. Three or more dependent children receive combined benefits totaling 50 percent of the member's annual base salary.

Benefits to dependent children are paid as long as children are still dependent. A dependent child s defined by FFPPA means:

"...an unmarried child under the age of 19 or, if such child is enrolled as a full-time student at an accredited institution of higher education, under the age of 23 and whatever age who is so mentally or physically incapacitated that he cannot provide for himself. The term also includes a child who is conceived but unborn at the date of the member's death or the date of disability, whichever applies. Any applicable increase in benefits will occur upon birth."

Benefits Payments And Cost-Of-Living Adjustments

Survivor benefits are paid monthly. Each year, the FPPA Board of Directors determines whether or not to award a cost-of-living adjustment (COLA). If a COLA is awarded, survivor benefits may be increased by as much as three percent for each full year survivors have received benefits.

How to Apply

A surviving spouse, dependent children, or the custodian of dependent children may apply for survivor benefits by completing the proper application that is available from FPPA. Because this may be a difficult time for survivors, assistance in completing the application is available from FPPA. Contact: Fire & Police Pension Association [FPPA, 5290 DTC Parkway, Englewood, CO 80111, (800) 616-3772.]
Once the application has been completed, it should be returned to FPPA along with all necessary supporting documentation. Benefit payments commence as soon as the application has been approved by the FPPA Board of Directors.

About FPPA

Fire & Police Pension Association is governed by a nine-member Board of Directors, FPPA is an independent public body created in 1980 by the Colorado State Legislature to administer the State Fire and Police Pension Plan. Contact: Fire & Police Pension Association (FPPA), 5290 DTC Parkway, Englewood, CO 80111, (800) 616-3772.

As such, FPPA serves over 10,000 police officers and firefighters employed by, or retired from, over 170 Colorado departments. If you'd like more information about survivor benefits, either contact FPPA directly or refer to the FPPA Handbook, copies of which have been provided to all members.

PUBLIC SAFETY OFFICERS' BENEFITS ACT
United States Department of Justice

The Public Safety Officers Benefits Act provides a tax-free $134,571 (adjusted) annually on October 1st) benefit to the eligible survivors of an officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provides the same benefit to an officer who has become permanently and totally disabled as the direct result of a catastrophic injury, which must permanently prevent the officer from performing any gainful work.
Line of duty means "any action that the public safety officer is authorized or obligated to perform by law, rule, regulation or condition of employment or service". This includes training assignments, traffic accidents, etc. while the officer is on duty.
When the U.S. Department of Justice determines, upon showing of need prior to taking final action, that a death benefit will probably be paid, an interim benefit not exceeding $3,000 may be made to the eligible survivor(s).
HOW TO APPLY

Eligible survivors or disability claimants must submit a *Claim for Death Benefits* form directly to the U.S. Department of Justice or to the Crested Butte Marshal's Office. The Marshal's Office must submit a *report of public safety Officer's Death or permanent*

and Total Disability form (and the survivor's claim form, if appropriate) to the U.S. Department of Justice. The Department of Justice will then determine whether the circumstances of the death or permanent and total disability entitle the claimant to a benefit payment.

Contact: Director of PSOB (202) 307-0535 at the Bureau of Justice Administration. The mailing address is:

Public Safety Officers' Benefits Program
Bureau of Justice Administration
633 Indiana Avenue, NW
Washington, DC 20531

SOCIAL SECURTIY ADMINISTRATION

Survivors' Benefits

The amount of benefit depends upon the officer's work credits and his or her lifetime earnings. Basically, the higher the earnings, the higher the benefits will be.

Survivor's benefits are usually paid as follows:

a. widow or widower – full benefits at age 65 or older;
b. widow or widower – at any age if he or she cares for the officer's child(ren) who is under age 16;
c. dependent parents at age 62 or older.

How to Apply

Contact the Social Security Administration at (800) 772-1213 between 7am and 7pm, Monday through Friday. A representative will begin to process the application and will make an appointment for the survivor to visit a local Social Security Office.
Social Security Administration ~ www.ssa.gov

DEPARTMENT OF VETERAN'S AFFAIRS

VETERAN'S BENEFITS

Some benefits are available to the survivors of United States military veterans. They may include a burial flag, Presidential Memorial Certificate and a headstone. Other benefits may also apply.

How to Apply

Contact the Department of Veteran's Affairs at (202) 872-1151 for details. The regional office is located at: Veterans' Benefits ~ www.va.gov

ASSOCIATIONS

COLORADO LAW ENFORCEMENT OFFICER'S ASSOCIATION
6525 West 52nd Ave
Arvada, Co 80002
(303) 420-4290

(800) 247-2064
www.cleoa.org.

COLORADO POLICE PROTECTIVE ASSOCIATION
Benefits

Established in 1922, the Colorado Police Protective Association addresses the concerns of the law enforcement community, including the concerns of the survivors of line-of-duty death. The Association provides survivors with a death benefit as well as financial grants to the family of association members killed in the line of duty. The purpose of these grants is to cover some of the expense of attending the National Peace Officers' Memorial Service when the officer's name is on the Roll Call of Heroes. The CPPA also administers income produced by the William C. Mutter Memorial Trust in Memory of Arthur D. Mutter. This trust was established to provide educational, job training, financial counseling, and emergency subsistence for the families of a Colorado Peace Officer, other than a Colorado State Patrol Officer, whose death is determined by the trustees to be duty related.

For more information about the William C. Mutter Memorial Trust in Memory of Arthur D. Mutter and other benefits available to CPPA members, please contact: Executive Director Jay Houston at 1485 Kelly Johnson Blvd., Ste 230, Colorado Springs, CO 80920, (719) 590-9200, (719) 596-2040 or (800) 320-2772.

FRATERNAL ORDER OF POLICE
MEMBERSHIP BENEFITS

Officers who belong to the Fraternal Order of Police (F.O.P.), may be entitled to the following benefits:
1) A $1,000 accidental death benefit, regardless of whether the incident occurred on or off duty;
2) Free television, flowers or fruit basket while hospitalized; and
3) Legal services for lawsuits incurred in the performance of duty (subject to Legal Aid Committee approval).

How To Apply

Contact the administrative offices at F.O.P. as soon as possible (202) 347-6929. They will need a copy of the death certificate. www.grandlodgefop.org.

The address is: Fraternal Order of Police
400 5th Street, NW
Washington, DC 20001

THE NTOA MEMORIAL AND SCHOLARSHIP FOUNDATION

The NTOA Memorial and Scholarship Foundation was established to provide an immediate cash benefit to the surviving spouse of tactical officers slain during a SWAT callout.

Any active NTOA individual or team member may request a disbursement in the event a fellow officer is killed in the line of duty by writing to the executive director of the NTOA.

Memorial Fund Disbursement Guidelines:
There are a series of three benefits available from the NTOA Memorial and Scholarship Foundation, as determined by the Advisory Board and using the listed criteria:
BENEFIT A:
- A $1,000 check, payable to the surviving spouse or designated trust fund, will be sent immediately upon receipt of a written request.
- A Memorial will be placed in the next issue of *The Tactical Edge* magazine.
- The nearest NTOA Director or Advisory Board member will attend the funeral service, if possible.

The criteria for benefit A are:
- Must be an active individual or team member of the NTOA.
- Presently assigned to SWAT or a unit that supports SWAT.
- Killed during a SWAT operation.

BENEFIT B:
- A 125 check, payable to the surviving spouse or designated trust fund, will be sent immediately upon receipt of a written request.
- A Memorial will be placed in the next issue of *The Tactical Edge* magazine.

The criteria for benefit B are:
- Must be an active individual or team member of the NTOA.
- Presently assigned to SWAT or a unit that supports SWAT.
- Killed while on duty.

BENEFIT C:
- A memorial will be placed in the next issue of *The Tactical Edge* magazine.

The criteria for benefit C are:
- Presently assigned or formerly assigned to SWAT or a unit that Supports SWAT.
- Killed while on duty.

National Tactical Officers Association
P.O. Box 797
Doylestown, PA 18901
(800) 279-9127. www.ntoa.org.

SUPPORT GROUPS
www.officer.com/support.htm.

CONCERNS OF POLICE SURVIVORS

Established in 1984, Concerns of Police Survivors, Inc. (COPS), is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professionals, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a "lifeline" to police survivors nationwide. Contact: Colorado COPS, Mrs. Lynn Mossbrucker, President, 12590 West Gould Drive, Littleton, CO 80127, (303) 933-6265. www.nationalcops.org.

INTERNATIONAL CRITICAL INCIDENT STRESS FOUNDATION

10176 Baltimore National Pike, Unit 201
Ellicott City, MD 21042
(410) 750-9600
(410) 750-9601 fax
(410) 313-2473 emergency
www.icisf.org.

Source: CBMO
Standard: N/A
Issued: November 10, 2000
Revised: May 10, 2001

Addendum C

CONFIDENTIAL

Full Name_____

Members are encouraged to maintain this confidential line of duty information form. Completed forms will be kept in a sealed, confidential file in the administrative office. The files should remain accessible to the member so that they can be updated as seen fit by the affected Marshal.

Information will be used ONLY in the event of your serious injury or death in the line of duty. The information on these pages will be used to assist the Crested Butte Marshal's Department in fulfilling your wishes with regard to your family.

Your address_____

City_____

State_____ Zip Code_____

Your home phone number(_____)_____-_____

FAMILY INFORMATION

Spouse's Name _____
Address and telephone if different from above. Same ( )

_____

_____

Spouse's employer, work address and telephone

_____

_____

_____

Names and dates of birth of your children

_____**DOB:**_____

_____**DOB:**_____

_____**DOB:**_____

If you are divorced, please provide information about your ex-spouse.

Name _____

Address _____

City _____

State _____Zip Code_____

Phone: Home _____

Work _____

Do you want a police representative to contact your ex-spouse?

( ) Yes ( ) No

Please list the name, address, and telephone numbers of your children who live outside the family home and key relatives (parents, siblings, in-laws, etc.) below:

Name	**Address**	**Phone (H&W)**	**Relationship**

NOTIFICATIONS

Please list the persons you would like to be contacted by a police representative in case of serious injury or death in the line of duty. Begin with the first person you would like notified.

Name	**Address**	**Phone (H&W)**	**Relationship**

Is there anyone you would like to accompany the police representative when the notification is made to your immediate family? If someone other than a Marshal, please include address and telephone number.

_____

_____

Is there anyone you would like contacted to assist your family, or to assist with funeral arrangements, or related matters who is not listed above? This person should

be knowledgeable concerning your life insurance representatives, location of your will, etc.

Name Address Phone (H&W) Relationship

ADDITIONAL INFORMATION

Please list any preferences you may have regarding funeral arrangements:

Funeral Home_____

Church or Synagogue_____

Cemetery_____

Are you a veteran of the U.S. Armed Services? ( ) Yes ( ) No

If you are entitled to a military funeral as determined by the Department of Veteran's Affairs, do you wish to have one? ( ) Yes ( ) No

Do you wish a law enforcement funeral? ( ) Yes ( ) No

Please list memberships in law enforcement, religious, or community organizations that may provide assistance to your family.

_____ _____

_____ _____

Do you have a will? ( ) Yes ( ) No

If yes, where is it located?_____

Please list any insurance policies you may have.

Company Policy # Location of Policy

If there are any special requests or directions you would like followed upon your death please attach as many sheets as necessary to see that your wishes are understood and fulfilled.

( ) See attached ( ) Nothing further

Signature_____Date_____

Addendum D

Incident: ☐ Line of Duty Death ☐ Line of Duty Serious Injury
☐ Death ☐ Serious Injury

Affected Officer: _____

Chief/Acting Chief: _____

Date: _____ IR: _____

Initial duty positions:

- Notification Officer: _____
- Hospital Liaison Officer _____
- Family Liaison Officer(s) _____ , _____
- Department Liaison Officer _____

Post incident positions:

- Benefits Coordinator _____
- Honor Guard Commander _____
- Traffic Supervisor _____
- Firing Detail Leader _____