

204.00 - VIOLATIONS – TRAFFIC

204.01 Police Pursuits

(1) Denver Police Department Pursuit Policy

- a. The policy of the Denver Police Department is to balance the need for immediate apprehension of a suspect with the need to protect the public from danger caused by the pursuit. All officers are reminded that their basic responsibility is to protect the public. When the danger of a pursuit exceeds the value of an immediate apprehension, public safety shall be paramount.
- b. A police vehicle pursuit may be engaged when an officer has probable cause to believe that a crime, as described by Colorado Revised Statutes, has been committed and has reasonable suspicion to believe the person being pursued committed that crime.
- c. Justification for engaging in a police vehicle pursuit must be limited to the facts known by the officer at the time a decision is made to engage in such pursuit. Information not established as fact at the time the pursuit is engaged, no matter how compelling, cannot be considered later, in determining whether the pursuit was justified. **Officers are authorized to engage in police vehicle pursuits only in the following circumstances:**
 1. When a suspect's actions while operating a motor vehicle, prior to an attempt to stop him or her involve such flagrant and dangerous behavior as to create a compelling need to attempt to stop the violator.
 - a. A compelling need is established when facts or circumstances are clear and convincing that a suspect's actions are so dangerous that they present an imminent threat of serious bodily injury or death.
 - b. A Compelling need does not include the following:
 1. The mere act of fleeing, no matter how recklessly
 2. Traffic infractions and licensing violations
 3. DUI, careless driving, and Hit & Run not resulting in serious bodily injury or death
 4. Property crimes including auto theft and joy riding
 5. Attempted vehicular assault
 6. Any crime that does not meet the conditions of Section 2 below.
 2. To effect the arrest or to prevent the escape of a person whom the officer reasonably believes has committed or is committing a felony involving the use, or threatened use of a deadly weapon, or a violent felony against a person.
 - a. Officers are prohibited from engaging in police vehicle pursuits in the following circumstances:
 1. When the pursuit is in a direction opposite to the flow of traffic on a divided roadway, unless authorized by the managing supervisor or a superior officer.
 2. When a passenger in the police vehicle is not an officer or academy recruit, unless a signed waiver of liability (Authorization to Ride Permit) has been executed before the ride along.
 3. When the police vehicle contains a prisoner or other citizen not covered under the above paragraph (d.2).
 4. When the officer is not the primary or secondary pursuit vehicle, unless authorized by the managing pursuit supervisor or a superior officer.
 5. In violation of any other provisions of this policy and procedure.

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- b. These policies and procedures apply to all Denver police officers, including those assigned to multi-jurisdictional task forces and other law enforcement agencies, whether they are inside or outside the City and County of Denver.

(2) Definitions

- a. **BOXING IN** - Surrounding a violator's moving vehicle with moving pursuit vehicles, which are then slowed to stop along with the violator's vehicle.
- b. **CODE 9** - The response to a call for service or incident without using emergency lights and siren. The violation of any traffic laws during Code 9 driving is not authorized.
- c. **DEFLATION DEVICE** - Used to deflate the tires of a vehicle being driven by a suspect who is attempting to elude law enforcement authorities.
- d. **COMMUNICATIONS BUREAU** – The component of the Denver Police Department responsible for broadcasting messages to law enforcement vehicles on police frequencies, receiving messages from police vehicles and monitoring messages between police vehicles. The communications section is commonly called "dispatch".
- e. **EMERGENCY OPERATION (Code 10)** - The act of driving a marked or unmarked police vehicle with the emergency lights and siren in operation while in pursuit of a suspect in accordance with the Uniform Motor Vehicle Law or applicable municipal ordinance.
- f. **FORCED-STOP METHODS** - The methods and tactics used to physically terminate a pursuit, including boxing in, heading off, ramming, P.I.T. Maneuver, and roadblocks.
- g. **HEADING OFF** - An attempt to terminate a pursuit by pulling ahead, alongside, and towards a violator's moving vehicle to force it to the side of the road or to come to a stop. This does not involve contact between the vehicles.
- h. **MANAGING SUPERVISOR** - The police supervisor (or higher-ranking officer) who manages a pursuit by providing direction and control via police radio. Managing supervisors are empowered to terminate or cancel a pursuit and specify the tactics to be used. The managing supervisor cannot be the primary or secondary vehicle in a pursuit. The managing supervisor has the authority to cancel a pursuit regardless of the rank of the involved officer(s).
- i. **MARKED UNIT**: A fully marked (standard) patrol car with operable lights and siren. A marked unit is the most suitable vehicle to conduct a pursuit.
- j. **OFFICER** - A fully commissioned Denver Police Officer or Denver Police Reserve Officer.
- k. **ORIGINATING JURISDICTION** - The jurisdiction in which a pursuit originates.
- l. **P.I.T. MANUEVER** - Intentional contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving suspect vehicle. The intention is to cause a suspect vehicle to spin away from its forward direction, thus terminating a pursuit.
- m. **POTENTIALLY DEADLY FORCE** - In terms of police vehicle pursuits, means force that the natural and probable consequence of which is death or serious bodily injury.
- n. **PRIMARY JURISDICTION** - The jurisdiction of the officer driving the primary vehicle.
- o. **PRIMARY VEHICLE** - The police vehicle driven by the officer initiating a pursuit or another police vehicle that takes the lead vehicle position.
- p. **PROBABLE CAUSE - ARREST BY A PEACE OFFICER – C.R.S. §16-3-102** A police officer may arrest a person when:
 - 1. He has a warrant commanding that such person be arrested; or
 - 2. Any crime has been or is being committed by such person in his presence; or
 - 3. He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested.

- q. **PURSUIT** - An active attempt by an officer operating a police vehicle (lights and siren = Code 10) to apprehend the operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle's speed, extinguishes the vehicle's lights, or makes some other overt action designed to avoid apprehension. Following a vehicle, whether accomplished with or without red lights on and siren sounding, whose driver is attempting to elude, either by increasing the vehicle's speed, or making some other overt action designed to avoid apprehension will also be considered a pursuit.
 - r. **RAMMING** - The deliberate act of impacting a suspect's vehicle with another vehicle in an attempt to force the suspect's vehicle to stop.
 - s. **RECEIVING JURISDICTION** - A jurisdiction which is entered by a pursuit that began in the originating jurisdiction.
 - t. **REASONABLE SUSPICION** - [C.R.S. §16-3-103 (1)] A police officer may stop any person who he reasonably suspects is committing, has committed, or is about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions. The stopping shall not constitute an arrest.
 - u. **ROADBLOCK** - A restriction or obstruction used to affect the apprehension of a violator by preventing the free passage of motor vehicles.
 - v. **SECONDARY VEHICLE** – A police vehicle which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup.
 - w. **SERIOUS BODILY INJURY** - Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.
 - x. **SUPERVISOR** - A Denver Police Officer of the rank of Sergeant or in the absence of a Sergeant or higher-ranking officer, the highest ranking officer available.
 - y. **TERMINATE A PURSUIT** - Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers shall not continue to follow the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by the managing supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing or following.
 - z. **UNMARKED & SPECIAL PURPOSE UNITS** - An unmarked vehicle equipped with red lights and siren, or special purpose vehicles such as four-wheel drives and motorcycles, shall relinquish the primary position in a pursuit when a standard fully marked and equipped patrol car is in a position to become the primary unit. An exception may be made if the special purpose vehicle is the safest unit for the pursuit or when authorized by a supervisor.
 - aa. **VEHICULAR ELUDING (MISDEMEANOR)** - C.R.S. §42-4-1413: The offender operated a motor vehicle and knowingly eluded or attempted to elude a peace officer also operating a motor vehicle, and knew or reasonably should have known that he was being pursued by the peace officer, and operated his vehicle in a reckless manner.
 - bb. **VEHICULAR ELUDING (FELONY)** - C.R.S. §18-9-116.5: The offender operated a motor vehicle and knowingly eluded or attempted to elude a peace officer also operating a motor vehicle, and knew or reasonably should have known that he was being pursued by the peace officer, and operated his vehicle in a reckless manner, and created a substantial risk of bodily injury to another person or caused bodily injury to another person.
- (3) The following sections were written to comply with the Metro Pursuit Policy and to provide additional guidelines to be followed by Denver Police Officers.
- a. Initiating Officer: The following factors shall be considered before initiating a vehicle pursuit:
 1. Denver Police Department Policy;
 2. Degree of risk created by pursuit;
 3. Seriousness of the suspected crime;

4. Whether the identity of the violator is known to the point that later apprehension is possible;
 5. Volume, type, speed and direction of vehicular traffic and direction of pursuit;
 6. Nature of the area: residential, commercial, school zone, open highway, etc.
 7. Population density and volume of pedestrian traffic;
 8. Environmental factors such as weather and time of day;
 9. Road conditions such as ice, construction, poor repair, etc.
- b. Complying with orders:
1. All officers will obey the orders of supervisors and the dispatcher. If the dispatcher, managing supervisor, or any superior officer orders the termination of a pursuit, all officers directly or indirectly involved shall immediately stop all attempts to pursue. The managing supervisor or superior officer shall have the final authority in managing a pursuit. Dispatchers are not authorized to counter the orders or directions of the managing supervisor or superior officer.
 2. When ordered to terminate a pursuit, unless directed otherwise by the managing supervisor or superior officer, all involved officers shall turn off their emergency equipment and proceed to a location designated by the managing supervisor or superior officer. Officers shall not continue to follow the suspect vehicle. Failure to comply with this section shall be deemed a violation of the pursuit policy.
- c. Police Vehicles and their operation
1. An initiating unit that relinquishes the primary position to another vehicle may become the secondary vehicle.
 2. An unmarked unit or special purpose vehicle as described in Definition (z) shall relinquish its position if a standard fully marked unit is in place to assume the primary or secondary position.
 3. Vehicles not equipped with operable lights AND siren shall not become involved in vehicle pursuits (as described in Definition q).
 4. An initiating unit that is no longer the primary or secondary vehicle in a pursuit shall proceed to the point of termination, obeying all traffic laws and regulations. Code 10 driving is not permitted.
 5. Immediately upon meeting the conditions of a pursuit as defined in this policy, emergency lights AND siren shall be activated and remain activated at all times during a pursuit. This includes only the primary and secondary units or other units authorized by the managing supervisor or superior officer.
- d. Primary Vehicle:
1. When possible, officers intending to stop a vehicle shall attempt to be as close as practical to the suspect's vehicle before activating emergency equipment and attempting the stop. The suspect's temptation to flee may be greater in those instances where it appears they have a head start. Before attempting a vehicle stop when a driver is likely to flee (such as known stolen cars or wanted subjects) the primary unit will attempt to avoid a pursuit by coordinating the response of assisting officers. For example, an apprehension at a stoplight or other preplanned location may be an appropriate tactic.
 2. The Primary Vehicle is the lead police unit.
 3. A pursuit is initiated when the operator of a motor vehicle fails to stop for a police officer as described in Definition (q) of this policy.
 4. Officers initiating a pursuit will immediately notify the dispatcher of their location, reason for the pursuit, direction of travel, estimated speed of the suspect, and any other relevant actions by the suspect vehicle. Officers shall also provide the license plate number, vehicle description, number of occupants, traffic conditions, and any other pertinent information.

5. Officers shall give updated information concerning direction of travel, speed, unusual actions, etc. Radio transmissions shall be kept as short as possible, allowing the dispatcher, supervisory personnel and assisting units to air information.
 6. All radio transmissions shall begin with the officer's car number.
 7. The decision to pursue is not irreversible. Based on the facts known at the time, officers shall continually evaluate whether the risk of danger to officers and the public resulting from a continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of a suspect.
 8. The primary unit officers may cancel their own pursuit and other officers including the secondary unit may not continue or reinstate the pursuit without the authorization of the managing supervisor or superior officer.
- e. Secondary Vehicle:
1. The secondary unit's function is to assist the primary vehicle during the pursuit and at the point of termination.
 2. The secondary unit shall not overtake the primary vehicle unless specifically requested to do so and shall drive single file behind the primary unit, maintaining a safe distance, sufficient to avoid colliding with or interfering with the primary unit. The secondary unit may block an adjoining lane to prevent interference with the pursuit by other vehicle(s) traveling in the same direction.
 3. The secondary unit shall be prepared to assume the role of the primary vehicle if needed.
 4. The secondary unit may broadcast the pursuit if requested by the primary vehicle or if ordered by the dispatcher or managing supervisor.
 5. All radio transmissions shall begin with the officer's car number.
 6. The primary unit officers may cancel their own pursuit and other officers including the secondary unit may not continue or reinstate the pursuit without the authorization of the managing supervisor or superior officer.
 7. The decision to pursue is not irreversible. Based on the facts known at the time, officers shall continually evaluate whether the risk of danger to officers and the public resulting from the continuation of a pursuit is greater than the risk of injury to any person that may result from the successful escape of a suspect.
- f. Dispatcher's Responsibilities:
1. Immediately upon being notified of a pursuit, the dispatcher shall clear the channel by activating the alert tone, obtain the necessary information from the pursuing officer, and attempt to contact the supervisor of the involved officer.
 2. If the officer's supervisor cannot be contacted, the dispatcher shall attempt to contact any supervisor from the district in which the pursuit is occurring. Once contacted, this supervisor or commander shall be the managing supervisor for the duration of the pursuit unless relieved by a superior officer.
 3. For the purposes of this section, any Denver Police Department dispatcher shall be considered a supervisor and shall cancel a pursuit if an actual police supervisor or command officer cannot be contacted within thirty (30) seconds. Dispatchers may not countermand the orders of a sworn police supervisor or command officer.
 4. The dispatcher will immediately determine if Air Support is readily available, dispatch it to the scene, and notify the managing supervisor of the availability of Air Support.
 5. Dispatchers shall immediately request a clearance and listing of the suspect vehicle license number and advise the managing supervisor when the information is available.
 6. When it appears that a pursuit is approaching another district or jurisdiction, the dispatcher shall establish radio communications with that district or jurisdiction. Also, see Metro Pursuit Policy.

7. The dispatcher shall keep the radio channel clear, allowing transmissions only from the primary or secondary units, the managing supervisor or superior officers, and officers responding to their orders and directions. The dispatcher will continue to monitor the pursuit and relay information when requested. To keep the air clear, dispatchers shall not repeat the pursuing unit's radio transmissions unless they are unclear.
8. Radio transmissions by other units are prohibited unless of an emergency nature. Upon the termination or discontinuance of a pursuit, the dispatcher shall sound the alert tone and advise all officers and jurisdictions involved.
9. If an accident occurs as a direct or indirect result of a pursuit, an officer will be assigned to make a report and traffic investigators will be notified. Communications Bureau personnel will make all necessary notifications.
10. If an accident involving death, injury or May result in death occurs as a direct or indirect result of a pursuit, the commander of the Traffic Investigations Bureau shall be notified to respond. The division chief and commander of any involved officers will also be notified.
11. The Communications Bureau shall forward a copy of the CAD printout and a tape recording of the radio transmissions of all pursuits to the Traffic Investigations Bureau.

g. Supervisor Responsibilities:

1. Once contact is made with the officer's supervisor, or another supervisor (or a commander in the absence of a supervisor), that person will be the managing supervisor for the duration of the pursuit (unless relieved or overruled by a superior officer).
2. The decision to pursue is not irreversible. Based on the facts known at the time, the managing supervisor shall continually evaluate whether the risk of danger to the officers and the public resulting from the continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of the suspect.
3. All radio transmissions shall begin with the supervisor's car number.
4. The managing supervisor has the authority and responsibility to:
 - a. Ascertain the reason for the pursuit and the surrounding conditions from the involved officer(s) and the dispatcher.
 - b. Authorize or cancel the pursuit based on all available information and the provisions of the Denver Police Department Policy.
 - c. Continually assess the risks and hazards involved in allowing the pursuit to continue, and make a decision to allow the pursuit to continue or order it terminated.
 - d. Move in the direction of the pursuit and actively monitor its progress.
 - e. Control the tactics used in the pursuit including all Forced Stop Methods described in this procedure. The managing supervisor and the pursuing officers must assess the risk involved in applying forced stop methods of the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force.
 - f. Nothing in this section precludes the managing supervisor or a superior officer from canceling the pursuit at any time. Involved officer(s) may also cancel their own pursuit and other officers (including the secondary unit) may not continue or reengage the pursuit without the authorization of the managing supervisor or superior officer.
5. The managing supervisor shall ensure that no more than two (2) vehicles (primary and secondary unit) are actively taking part in a pursuit unless they authorize additional units. Unless otherwise authorized by the managing supervisor or a superior officer, covering officers shall respond Code 9.

The following should be considered when making these decisions.

- a. The severity of the offense.
- b. The number of occupants in the suspect vehicle.

- c. The likelihood of armed suspects.
- 6. Should a pursuit cross the Denver City and County boundary, only the primary and secondary vehicles along with the managing supervisor and superior officer are authorized to leave the City and County of Denver. The managing supervisor may assign additional cover units depending upon the severity of the offense, number of occupants or likelihood of armed suspects.
- 7. Should a pursuit cross district boundaries, any officer, supervisor or command officer with relevant information shall notify the dispatcher of any special conditions or hazards along the projected route.
- 8. All supervisors in the path of a pursuit shall remain alert to its progress and location. They shall actively assist with traffic control and/or the management of traffic control along the route of the pursuit; in an effort to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, and foot pursuits, etc.
- 9. The managing supervisor is required to respond to the scene of termination or discontinuance of all pursuits, whether or not a suspect has been apprehended.
- 10. The managing supervisor shall determine if a traffic accident resulting from the pursuit has occurred at any point along the route of the pursuit. This includes damage to police equipment, the suspect vehicle, civilian vehicles, and any other property. If an accident has occurred, Traffic Investigators shall be notified and will respond.
- 11. In those instances where a suspect has escaped apprehension, the managing supervisor shall immediately coordinate efforts to follow up any investigative leads. Upon receiving the completed Vehicle Pursuit report and related documents, the appropriate investigative bureau shall be responsible for continuing the investigation with the intent of identifying and prosecuting the violator.
- 12. The managing supervisor shall complete the Vehicle Pursuit Report.
- 13. Any pursuit that is terminated by forced-stop methods (excluding *tire deflation devices* unless used to stop a motorcycle) will be reported on a Use of Force/Injury Prior to Arrest, DPD 12.
- 14. The front of a Use of Force/Injury Prior to Arrest will be used to report the appropriate information. The narrative may indicate "See Vehicle Pursuit Report."
- 15. A copy of the Vehicular Pursuit Report will be attached to the Use of Force Report. The original Use of Force Report will be forwarded to the Internal Affairs Bureau, with one copy to the Bureau Commander and one to the respective Division Chief, the Deputy Chief of Operations and the Chief of Police.
- h. Command Responsibilities:
 - 1. Unless relieved or overruled by a superior officer, district lieutenants in-service at the time of a pursuit are ultimately responsible for ensuring compliance with this pursuit policy if the pursuit is initiated or occurs on their assigned radio channel of operation. In accordance with RR-117, the highest-ranking officer (not including those physically involved in the pursuit) shall have final authority over the continuation, cancellation, and tactics of a pursuit. Managing supervisors and police officers shall follow the orders of higher-ranking officers, regardless of the superior officer's assignment.
 - 2. All radio transmissions shall begin with the commander's car number.
 - 3. All commanders in the path of a pursuit shall remain alert to its progress and location. They shall actively assist with the management of traffic control along the route of the pursuit in an effort to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, and foot pursuits, etc.
- i. Tactical Pursuit Management:
 - 1. All Officers in the path of a pursuit shall remain alert to its progress and location and shall actively assist with traffic control along the route of the pursuit in an effort to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, foot pursuit, etc.

2. Unless specifically authorized by the managing supervisor, all cars covering in the area shall proceed: Code 9. Covering officers are not authorized to violate any traffic laws or regulations in an effort to catch up to or parallel a pursuit unless ordered to do so by the managing supervisor or superior officer at the time of the pursuit.
3. Should a pursuit cross district or jurisdictional boundaries, only the primary and secondary vehicles along with the managing supervisor and a superior officer are authorized to leave the district or jurisdiction. The managing supervisor may assign additional cover units depending upon the severity of the offense, number of occupants or likelihood of armed suspects.
4. The managing supervisor may deploy additional personnel and equipment, as they deem necessary, including Air-One, traffic control, special purpose vehicles, etc.
5. If possible, officers are to avoid approaching an occupied suspect vehicle at the termination of a pursuit. A high-risk vehicle stop shall be deemed the most appropriate method of taking suspects into custody under such conditions. It is understood that exigent circumstances may exist at the termination of a pursuit that cause an officer to approach an occupied suspect vehicle. Officers shall articulate their actions in such an event.
6. When a pursuit has reached a conclusion and police officers are actively involved in making an arrest or pursuing suspects on foot, the managing supervisor has ultimate authority over the manner of response of covering officers (Code 9 or 10). Officers will strictly comply with the orders of the managing supervisor or superior officer.
7. This policy is in effect for pursuits originating in other jurisdictions, and crossing into the City and County of Denver. Denver police officers are not authorized to actively participate in another agency's pursuit unless the circumstances fall within this policy. Supervisors and commanders shall have final authority over the involvement. Denver police officers involved in outside agency pursuits will provide assistance at the point of termination, to include suspect apprehension, accident investigation, perimeter containment, area searches, etc. Additionally, Denver police officers shall also assist with traffic control along the path of an outside agency pursuit in order to promote public safety.

j. Forced-Stop Methods:

1. If a pursuit is allowed to continue given the criteria set forth in this policy, Forced-Stop methods should be considered by supervisors as early as possible. Forced-Stop methods are the tactics used to physically terminate a pursuit, including boxing in, heading off, ramming, the P.I.T. maneuver and roadblocks.
 - a. Only officers trained in forced-stop methods shall be authorized to use them.
 - b. Officers shall not resort to deadly force unless the circumstances fall within the guidelines described in Section 105.04 (3) and (4) and the Colorado Revised Statutes.
2. A supervisor must authorize the use of forced-stop methods unless exigent circumstances dictate immediate action without prior approval. Officers applying such tactics without **supervisory approval shall be required** to justify the exigency that led to their actions.
3. The managing supervisor shall direct the application of forced stop methods only after considering all information available. Pursuing officers must provide the managing supervisor with sufficient information to plan and prepare for the use of forced stop methods.
4. The managing supervisor and pursuing officers must assess the risk involved in forcible termination of the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force
5. Department personnel shall only use roadblocks to apprehend an extremely dangerous felon who, if allowed to escape, would create a substantial risk of death or serious bodily injury to another.

- a. Authority to establish or remove a roadblock shall lie with the managing supervisor.
 - b. At least one marked vehicle shall be at the scene of a roadblock.
 - c. A roadblock will not be established unless all pursuing police vehicles have been notified of the roadblock and its location and have acknowledged.
 - d. To the degree possible under the circumstances, a roadblock shall be established where it will be visible for an adequate distance to allow a suspect to come safely to a complete stop.
6. The use of a tire deflation device (stop sticks, spike pads, etc.) may be authorized by a managing supervisor in circumstances where other methods of control or apprehension would be ineffective or more dangerous. The following procedure shall be adhered to:
- a. At least one marked patrol car and one uniformed officer shall be on the scene where a tire deflation device is deployed.
 - b. As much as possible, uninvolved vehicles and pedestrians shall be kept away from the area where the device will be deployed. Some situations may prevent this, but to the degree possible, the device shall be deployed in a manner that affects only the suspect vehicle. The place of deployment will be monitored by an officer to prevent pedestrians from entering this area.
 - c. The location of deployment of the tire deflation device shall be communicated to the pursuing vehicles.
 - d. Use of this device with a motorcycle is considered deadly force and the deployment of the device will be in accordance with laws and policy pertaining to the use of deadly force by police officers.
7. Boxing In is the surrounding of a violator's moving vehicle with moving pursuit vehicles, which are then slowed to stop along with the violator's vehicle.
8. Heading Off is an attempt to terminate a pursuit by pulling ahead of, alongside, and toward a violator's moving vehicle to force it to the side of the road or to come to a stop. This does not involve contact between the vehicles.
9. Ramming is the deliberate act of impacting a suspect's vehicle with another vehicle in an attempt to force the suspect's vehicle to stop.
10. P.I.T. Maneuver is the intentional contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving suspect vehicle. It is intended to cause a suspect vehicle to spin away from its forward direction, thus terminating a pursuit.
- k. Vehicle Pursuits with Denver Police Air Support:
1. The police helicopter shall respond to all pursuits when it is airborne. Once the helicopter has established visual contact with the pursued vehicle and can follow the pursuit, the managing supervisor shall be notified.
 2. At this point, the managing supervisor shall order that ground units no longer follow the suspect vehicle, nor violate any traffic laws or regulations in an effort to catch up to or parallel the suspect vehicle. Officers should make an effort to present an appearance to the suspect(s) that the police are no longer pursuing or following them. This may necessitate stopping, turning, or making some other effort to be out of the view of the suspect. The continued pursuit by ground units may be authorized only by the managing supervisor or superior officer, and only upon a clearly articulated need based on facts known at the time, which may include the following.
 - a. The gravity of the offense
 - b. The surrounding terrain
 - c. Other circumstances that may impact officer safety or the ability to safely apprehend the suspect(s).

- d. The managing supervisor shall clearly articulate in all reports the urgent need to continue ground pursuit once Air-One is directly involved in the pursuit.
3. The helicopter will illuminate the pursued vehicle with its searchlight to make the driver aware of the presence of the helicopter. If this awareness fails to cause the driver to slow, stop, or surrender, illumination will cease. The helicopter crew will continue to observe the vehicle without the use of a spotlight and report its location from a position not visible to the driver. At this point, the role of the helicopter is to maintain observation of the suspect without causing the driver to attempt to elude it.
4. The helicopter will update ground units as to the suspect's location, direction, speed, etc.
5. The helicopter will inform the managing supervisor and other ground units when and if an opportunity is present for an apprehension. This will generally occur when the suspect(s) have stopped and are exiting the vehicle. The managing supervisor will then authorize ground units to enter the immediate area to apprehend any suspects. The helicopter will assist ground units in establishing a perimeter, etc., until the suspect(s) are in custody or the managing supervisor terminates the police response.
6. The helicopter shall depart the area as soon as possible following an arrest or the termination of the police response. During such an active pursuit by ground units, the primary or secondary ground units will call out the pursuit.
- I. Vehicle Pursuits Involving Media Helicopters: Television Stations Four, Seven and Nine each operate media helicopters that may be available to assist in the event of a police pursuit. Each of these aircraft is equipped with a police radio capable of receiving and transmitting on Talk Groups One through Six. Other stations may be so equipped in the future.
 1. The managing supervisor may request the assistance of a media helicopter through the police dispatcher; however, participation by any media aircraft is strictly voluntary.
 2. If a media helicopter volunteers to assist in a police pursuit, the police dispatcher and managing supervisor will follow the procedures outlined for pursuits involving the police helicopter.
 3. Call signs for the media helicopters are as follows:
Channel Four: Sky 4 Channel Seven: Sky 7 Channel Nine: Sky 9
 4. Should a media helicopter withdraw from participation in a pursuit, the managing supervisor may elect to resume active ground pursuit or terminate involvement entirely.

(4) Pursuit Termination/Reporting Procedures:

- a. Traffic Investigations Bureau Personnel - Responsibilities:
 1. When notified of a pursuit-related accident, a Traffic Investigations Bureau detective shall respond and be in charge of the accident investigation.
 2. When a suspect has evaded apprehension, the Traffic Investigations Bureau or other appropriate bureau shall be responsible for investigating, identifying and prosecuting the violator. This will occur immediately upon receiving the completed Vehicle Pursuit report and related documentation.
 3. It shall be the policy of the Denver Police Department to vigorously pursue eluding charges against violators. Incidents meeting the criteria set forth in C.R.S. §18-9-116.5 shall be charged as a felony. Offenses not meeting these criteria shall be filed into state court as a misdemeanor.
- b. Commander of the Traffic Investigations Bureau - Responsibility:
 1. The commander of the Traffic Investigations Bureau shall respond to the scene and direct the investigation of any pursuit related accident resulting in death or serious bodily injury or unusually extensive property damage.

2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer shall describe the event on a Report of Eluding – No Pursuit, DPD 616, and forward it to the Commander of the Traffic Investigations Bureau. The Commander of TIB shall cause the incident to be investigated for possible prosecution of the violator and for inclusion in a database
- c. Involved Officer - Responsibilities:
1. Upon the termination of a pursuit, all officers involved will meet at a location designated by the managing supervisor. All officers will complete a statement on DPD 366 and submit it to the managing supervisor.
 2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer shall describe the event on a report of Eluding – No Pursuit, DPD 616, and forward it to the Commander of the Traffic Investigations Bureau.
- d. When a suspect driver has been apprehended:
1. **All eluding charges will be filed into state court, either as misdemeanors or felonies.**
 2. A Traffic Investigations Bureau detective or other appropriate bureau detective will examine the incident to determine if the filing of felony charges is appropriate
 3. A Pursuit resulting in the death or serious bodily injury of any person shall be deemed a critical incident, requiring the notification of the District Attorney's Office. Detectives from TIB are responsible for notifying the District Attorney's Office, who may respond to the scene to assist with the investigation.
 4. Suspects will be processed by TIB or the appropriate bureau to handle the primary and most serious charge. The decision to incarcerate the suspect will be made by the Traffic Investigation detectives when there are only traffic charges.
 5. If other charges are appropriate, such as auto theft, burglary, etc., the suspect will be processed in accordance with the Investigation Division Arrest/Intake procedure, OMS 104.01 (24). This will be coordinated with Traffic Investigation detectives.
 6. To prosecute the charge of eluding, under C.R.S. §42-4-1413, it is necessary to show:
 - a. Audible and visual signals, such as emergency lights and siren, were used during the pursuit.
 - b. The pursuit vehicle was a marked unit.
 - c. The suspect driver willfully increased speed, turned off the vehicle lights, or in some other manner attempted to elude the police.
 - d. The apprehended suspect is the driver of the vehicle.
 7. In order to prosecute the charge of felony vehicular eluding, using C.R.S. §18-9-116.5, it is necessary to show:
 - a. A person operating a motor vehicle knowingly eludes or attempts to elude a peace officer, also operating a motor vehicle.
 - b. The suspect knows or reasonably should know that he/she is being pursued by a peace officer.
 - c. The suspect operates his/her vehicle in a reckless manner, creating a substantial risk of bodily injury to another person.
 - d. Vehicular Eluding is a Class 5 felony, except that vehicular eluding which results in bodily injury to another person is a Class 4 felony. Vehicular eluding which results in death is a class 3 felony.
- (5) Vehicle Pursuit Reports, DPD 453. Gathers data on officers, suspects, vehicles, etc., and includes a narrative that must be completed.

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- a. The managing supervisor or commander is personally responsible for the completion of both parts of the report.
- b. The Vehicle Pursuit Report shall be filled out completely. The narrative shall provide a detailed description of the following items:
 - 1. Details to support compliance with all sections of this policy. Incomplete reports and statements will be returned for completion and clarification.
 - 2. Descriptions of the driver and occupants unless apprehended.
 - 3. Names, addresses and telephone numbers of all persons able to identify the suspect driver.
 - 4. Complete narrative description of actions taken by the driver that indicated an attempt to elude.
 - 5. The reason for the pursuit, location, direction, traffic and street conditions, and traffic violations committed by the suspect.
 - 6. Emergency equipment used (lights, siren, etc).
 - 7. How the pursuit was terminated (forced stop, accident, surrender, etc.)
 - 8. Injuries and/or damage caused by the
 - 9. Resistance incidents (Attach a copy of the Use-of-Force report).
 - 10. Managing supervisor's actions during the pursuit.
- c. The managing supervisor will attach the statements, DPD 366, of all officers and witnesses.
- d. Distribution:
 - 1. The original Vehicle Pursuit Report and statements shall be forwarded to the Traffic Investigation Bureau. Related reports will be attached.
 - 2. The managing supervisor shall ensure that copies of the Vehicle Pursuit Report are distributed as follows:
 - Manager of Safety
 - Chief of Police
 - Deputy Chief of Operations
 - All Division Chiefs
 - The Bureau or District Commanders of all involved officers
 - Civil Liability Bureau

(6) Division Review

- a. As soon as practicable following a pursuit, there will be a review of the circumstances of the incident by the Division Chiefs Office of the involved officers. The review will result in a preliminary determination of the appropriateness of the pursuit, compliance with Department rules and regulations, and any need for additional training. The Division Chief of the involved officer will provide immediate feedback to the officer's commander who will then critique the tactics of the situation with involved officers under their command. The officer's chain of command will make a determination as to whether the pursuit fell within the policies and procedures of the Denver Police Department. Violations of the policy may result in disciplinary action.
- b. All police pursuits will be subject to review per OMS 203.09(3) in addition to the Division review described in section (6) a.
- c. The Denver Police Department Traffic Investigations Bureau shall maintain a database of detailed information from all police pursuit incidents in order to formulate and revise policies and training.
- d. The Traffic Investigations Bureau will provide a monthly, quarterly, semi-annual, and annual report from the database to include a semi-annual and annual evaluation of trends and training needs.

- (7) Metro Pursuit Guidelines and Procedures - These guidelines and procedures are included as reference in the event of inter-jurisdictional pursuits. In the event of conflicts or confusion between the Denver Police policy and this section, DPD policy will take priority.
- a. Policy Statement
1. The law enforcement executives of the metropolitan region of the Colorado Association of Chiefs of Police recognize that the fundamental duty of our law enforcement agencies is the protection and safety of our community and of our citizens. This duty includes the obligation to attempt the apprehension of persons who endanger the public by taking flight to avoid prosecution. However, at times, the danger presented by the pursuit itself can exceed the public safety value of immediate apprehension. Under such circumstances, the public's safety is paramount.
 2. It is expected that all peace officers will interpret the detailed pursuit procedures of their individual agencies in light of this duty and that they will evaluate the need to interrupt unlawful flight against the risks to the public safety. This expected evaluation includes the decision to initiate the pursuit and continues during the pursuit.
 3. There may be situations in which the escape of the suspect may create a greater risk to the safety of the public than the risks inherent in the pursuit. In these situations, extraordinary means may be used to bring the pursuit to a conclusion as rapidly as possible.
- b. Definitions
1. **PURSUIT** - Pursuit shall mean an active attempt by an officer (operating a department vehicle) to apprehend an operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle's speed, extinguishes the vehicle's lights, or makes some other overt action designed to avoid apprehension.
 2. **EMERGENCY OPERATION** - Emergency operation shall mean the act of driving a marked or unmarked police vehicle with the emergency lights and siren in operation while in pursuit of a suspect in accordance with the Colorado Motor Vehicle Code, or applicable municipal ordinance.
 3. **PRIMARY VEHICLE** - **Primary** vehicle shall mean the patrol vehicle driven by the officer initiating a pursuit, or another patrol vehicle which takes the lead vehicle position.
 4. **SECONDARY VEHICLE** - **Secondary** vehicle shall mean a patrol vehicle which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup.
 5. **OFFICER** - **Officer** shall mean any commissioned peace officer, recruit, or sworn employee in the State of Colorado, regardless of specific title, e.g., Sheriff, Deputy, etc., as defined in C.R.S. §18-1-901(3).
 6. **COMMUNICATIONS SECTION** - Communications Section shall mean that component of the primary jurisdiction responsible for broadcasting messages to law enforcement vehicles on police frequencies, for receiving such messages from patrol vehicles and monitoring messages between patrol vehicles; the communications section is commonly called "dispatch".
 7. **SUPERVISOR** - Supervisor shall mean a commissioned peace officer of the rank of Sergeant or of higher rank or, in the absence of a Sergeant or higher ranking officer, the highest ranking available officer.
 8. **ORIGINATING JURISDICTION** - Originating jurisdiction shall mean the jurisdiction within which a pursuit originates.
 9. **PRIMARY JURISDICTION** - Primary jurisdiction shall mean the jurisdiction of the officer driving the primary vehicle.
 10. **RECEIVING JURISDICTION** - Receiving jurisdiction shall mean a jurisdiction which is entered by a pursuit which began in the originating jurisdiction.
- c. Pursuit Guidelines – Intra-jurisdictional

1. Law enforcement officers, whenever possible, should consider alternative methods of apprehending suspects when it is likely that a patrol vehicle pursuit will occur. The discretionary decision to initiate and continue a pursuit should be based upon factors such as the seriousness of the suspected crime, probability of later apprehension, traffic and roadway conditions, time of day, type of area where the pursuit occurs, or other things that an officer would normally consider when evaluating the circumstances knowing that the immediate apprehension of a suspect may be outweighed by the risks imposed on the public's safety.
 2. If a pursuit is initiated, officers shall use visual and audible warning devices (lights and siren) and should attempt to notify the communications section of relevant facts about the chase, such as location, direction of travel, description of suspect vehicle, number of occupants, reason for the pursuit, speed, and other similar factors that may be relevant. A fully marked patrol car is the most suitable vehicle to conduct a pursuit. If an unmarked car or special purpose vehicle is used, it should be used only until relieved by a marked car.
 3. Officers are expected to exercise a standard of care consistent with Colorado State Law, C.R.S. § 42-4-108, in particular, subsection (4): "The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of, his reckless disregard for the safety of others."
 4. Normally, only two patrol vehicles should be directly involved in a pursuit. "Directly involved", as used here, means following behind the pursued vehicle in close proximity. A supervisor may authorize such additional units as may be necessary to control the course of the pursuit or the point of termination.
 5. The decision to pursue is not irreversible and officers must continually evaluate whether the seriousness of the crime justifies continuing the pursuit. A pursuit may be terminated at any point the officer or supervisor feels that it is too dangerous to continue.
- d. **Supervisory Role during an Intra-jurisdictional Pursuit:**
- The supervisor in charge during a pursuit has the authority and responsibility to monitor the progress of the pursuit, evaluate the circumstances known to the supervisor at the time, and make a decision to continue or to order it terminated.
- e. **Inter-jurisdictional Pursuits**
1. **Notifications:**
 - a. **Notification after Entry and After Discontinuance/Termination**
 1. When a pursuit enters a receiving jurisdiction, the communications section of the originating jurisdiction shall, as soon as practicable, notify the receiving jurisdiction of the existence of the pursuit and the reason for the pursuit, and shall keep the receiving jurisdiction apprised of the status of the pursuit.
 2. When a pursuit is discontinued or reaches termination, all units should be advised immediately.
 2. **Procedural Guidelines**
 - a. **Supervisory Responsibilities in Police Vehicle Pursuits**
 1. A supervisor from the originating jurisdiction and each primary jurisdiction should respond to the scene of termination or discontinuance of the pursuit, unless otherwise instructed by the receiving jurisdiction.
 2. Each participating jurisdiction shall gather, and shall provide upon request to each other participating jurisdiction involved, information concerning the circumstances of its participation and the names of any of its officers participating in the pursuit.

- b. Number of Vehicles
Any participating vehicle from a receiving jurisdiction, once relieved by another vehicle, should discontinue its participation as soon as practicable after leaving its jurisdiction unless circumstances dictate otherwise, or unless otherwise requested by the primary jurisdiction. However, the decision to discontinue participation may be the most appropriate course of action, depending on the circumstances.
- c. Pursuits Entering a Receiving Jurisdiction
 - 1. Normally, officers in a receiving jurisdiction should not become involved in a pursuit originating in another jurisdiction. However, a supervisor from the receiving jurisdiction may assign officers to assist with traffic control, to render assistance at the termination or discontinuation point, or to monitor the progress of the pursuit. Such officers shall not be considered to be directly involved in the pursuit.
 - 2. Upon request of the primary jurisdiction and approval of the receiving jurisdiction, a vehicle from the receiving jurisdiction may assist with the pursuit or become the primary vehicle.
 - 3. The overall command of a pursuit shall rest with the primary jurisdiction.
- d. Methods of Stopping Pursued Vehicles
 - 1. When a pursuit has entered a receiving jurisdiction, the primary jurisdiction should attempt to notify the receiving jurisdiction, in advance if possible, of any method to be used by the primary jurisdiction to stop the pursued vehicle.
 - 2. In the course of an inter-jurisdictional pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, structures, or other fixed objects, boxing in, heading off, ramming, or driving along side the pursued vehicle while it is in motion, must be authorized by a supervisor of the primary jurisdiction, unless exigent circumstances exist requiring such action and obtaining such authorization would be unreasonable.
 - 3. The use of a roadblock in an inter-jurisdictional pursuit must be authorized by the supervisor of the primary jurisdiction. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
- e. Investigation/Jurisdiction at Termination
The on-scene supervisor of the originating jurisdiction shall be responsible for processing the arrest of any suspects and for coordinating any investigation. However, if there was a more serious violation in another jurisdiction, the on-scene supervisor from that jurisdiction shall assume the responsibility for coordinating the immediate investigation. Nothing herein shall preclude the investigation of any accident, criminal act, or other incident which occurred during the course of the pursuit by any jurisdiction in which such an incident occurred.

204.02 Driving Under the Influence - General Information

- (1) When officers contact drivers who they suspect to be under the influence of alcohol and/or drugs, the following steps will be taken:
 - a. Once the violator is stopped, he/she should not be allowed to drive further. If necessary, the officer should park the vehicle legally. See OMS 204.02(5).
 - b. If the officer suspects the violator is under the influence of alcohol and/or drugs, the officer will offer the violator an opportunity to perform voluntary roadside maneuvers (Standardized Field Sobriety Test – S.F.S.T. Battery). A refusal to perform roadside maneuvers does not constitute a refusal to take a blood or breath test. If the voluntary roadside maneuvers are not administered, the officer will document the circumstances, such as injury, refusal, etc., in the Sobriety Case Summary, DPD 243, or the DUI Short Form, DPD 494.
 - c. If the officer determines the suspect should have further testing, the suspect will be advised that he/she is under arrest for investigation of driving under the influence

d. The officer should determine whether the suspect desires a blood test or a breath test. The suspect will then be transported to Headquarters, DUI Room to take a breath test or to Denver Health Medical Center Emergency Room for a blood test. Once a DUI suspect has decided to take either a blood or a breath test, the decision regarding the type of test is irreversible.

1. The arresting/processing officer is responsible for monitoring the condition of the suspect until the suspect is placed in jail, detox, or released to a sober adult.

e. In route to Headquarters, the arresting officer will obtain an NCIC, CCIC and DCIC clearance on the suspect and will indicate the results of the clearance on the DUI Short form, DPD 243, or the Sobriety Case Summary. In addition, for those DUI arrestees who have no additional charges, the arresting officer, at their earliest convenience, will attempt to contact a responsible (sober) party in order to expedite the release of the DUI.

The party contacted, phone number, and time of contact will be noted on either the DUI **Short** Form or Sobriety Case Summary.

(2) The breath analysis does not replace or exclude the use of the blood alcohol test. If the suspect requests a blood alcohol test, he/she will be given the opportunity to take a blood test in lieu of a breath test.

(3) When the driver of an R.T.D. vehicle, or any government vehicle, is taken into custody for investigation of DUI, the arrestee's supervisor will be notified immediately. See OMS 104.26.

(4) Park and Lock Procedure

a. When a driver suspected of DUI or DWAI is arrested, the arresting officer will legally park the vehicle and lock it.

b. The location of the suspect's vehicle will be noted on the bottom of the Criminal Summons and Complaint.

c. The arresting officer is responsible for the security and protection of all property visible within the passenger compartment of the vehicle to be parked and locked. All personal property shall be removed and secured in the trunk of the vehicle or taken to the Property Management Bureau for safekeeping. The officer is authorized to open any closed containers found inside the passenger compartment to determine the proper means of securing the property.

d. When a suspect is released without being formally charged, the arresting officer will return the suspect to his/her vehicle.

e. Suspects' vehicles will be impounded in DUI or DWAI cases only when:

1. The driver will not permit the vehicle to be legally parked.

2. In the officer's opinion, the vehicle could likely be subject to vandalism or theft or is a traffic hazard.

f. The policy of the Denver Police Department is to attempt to contact a responsible, sober person who will take custody of those DUI arrestees who have no other charges or are not wanted.

a. The arresting officer will be responsible for advising the Sheriff at PADF the name of the party responding and the time contacted, and estimated time of arrival.

1. Responding parties have one hour to respond to PADF. At the end of one hour, the DUI **will** be sent to DETOX by the Sheriff Dept.

b. For those DUI arrestees who will be released to a responsible party, their vehicle keys will be placed in the DPD Property Management Bureau and the DUI will be given a Property Management Bureau Card and instructions on how to retrieve their keys.

(5) Fingerprinting and picture taking will take place only after the suspect has completed the breath or blood test.

a. **Breath Test:** The arresting/DUI officer or TIB detective will notify the Denver Sheriff Department's Control Center at 720-913-7573, five (5) minutes prior to a suspect completing the test.

1. If there is no answer or an unacceptable delay, contact the sergeant's office at 720-913-7584.
 2. Upon completion of the breath test, the suspect will be placed in a holding cell. A deputy sheriff will then complete fingerprinting, photographing, and clearance processing.
 3. Fingerprints will be sent to the Identification Bureau for clearance. Upon receiving clearance information, the processing of the suspect will be complete.
- b. **Refusal:** The arresting/DUI officer or TIB detectives will notify the Denver Sheriff Department's Control Center at 720-913-7573, shortly after arriving in the DUI room.
1. If there is no answer or an unacceptable delay, contact the sergeant's office at 720-913-7584.
 2. The suspect will be placed in a holding cell and a deputy sheriff will then complete fingerprinting, photographing, and clearance processing.
 3. Fingerprints will be sent to the Identification Bureau for clearance. Upon receiving clearance information, the processing of the suspect will be complete.
- c. **Walk-in Blood Test:** After the blood draw, the arresting/DUI officer will transport the suspect to the DUI room. The officer will call the Denver Sheriff Department's Control Center at 720-913-7573, five (5) minutes prior to the suspect arriving in the DUI room.
1. If there is no answer or an unacceptable delay, contact the sergeant's office at 720-913-7584.
 2. The suspect will be placed in a holding cell and a deputy sheriff will then complete fingerprinting, photographing, and clearance processing.
 3. Fingerprints will be sent to the Identification Bureau for clearance. Upon receiving clearance information, the processing of the suspect will be complete.
- d. **Blood Draws on Injured Suspects at DHMC:** The DUI suspect will be placed on a DUI hold with the Denver Sheriff's Department.
1. The arresting/DUI officer will notify DHMC sheriff deputies after the blood draw has been completed.
 2. The arresting/DUI officer will then take a Polaroid picture of the suspect and attach it to the DUI file. A camera and film will be kept in the DUI filing cabinet in the DHMC sheriff's office.
 3. A deputy sheriff will fingerprint the suspect on two fingerprint cards and give them to the DPD officer.
 4. Upon arriving at headquarters, the DPD officer will go directly to the Identification Bureau and turn in the fingerprint cards for clearance. The Identification Bureau will call the DUI room after the clearance is complete and inform the officer of the outcome. Upon receiving clearance information, the processing of the suspect will be complete.
- e. **Blood Draws on Injured Suspects at Hospitals other than DHMC:** After completing the blood draw, the arresting/DUI officer will take a picture of the suspect and use an Identiseal to print their right index finger on the back of the picture or advisement form.
1. The DPD officer must use a camera to take the picture. A district sergeant may be called to take a digital picture.
 2. If a digital picture is taken, it must be checked into the Property Bureau as evidence.
 3. The arresting/DUI officer or TIB detective will stamp "**NOT FINGERPRINTED AND CLEARED**" across the Criminal Summons and Complaint (CS&C) so the judges can order the suspect to be fingerprinted following their first appearance.
- f. **Reporting:** To accommodate these procedures, arresting/DUI officers will also complete a Warrant Arrest Report, DPD 288. The CAD incident number will be written on the Warrant Arrest Report, DPD 288, as well as at the top of the Sobriety Case Summary, DPD 243.

204.03 Breath Analysis Tests

- (1) If the suspect chooses to take a breath test, the Breath Analysis Consent Form, DPD 14, will be completed. The suspect must sign the Breath Analysis Consent Form to give consent for the breath test. The officer must closely and continuously observe the subject for a period of twenty (20) minutes prior to testing to detect any belching, regurgitation or intake of any foreign material by nose or mouth. If such occurs, another twenty (20) minutes of close and continuous observation must elapse under the same conditions.
- (2) When the suspect's breath analysis test indicates a blood alcohol level of 0.08 or higher, and the test was administered to the suspect within two hours of the violation witnessed by an officer, or, in the case of an accident, within two hours of the time the accident occurred, the suspect is in violation of the D.U.I. per se law. The Notice of Revocation or Denial Form (DR-1576) will be completed. The second copy of this form will be given to the suspect.
- (3) **DELETED 01/16/09**
 - a. **DELETED 01/16/09**
 - b. **DELETED 01/16/09**
 - c. **DELETED 01/16/09**
- (4) If the suspect refuses to submit to a test, a Notice of Revocation or Denial Form (DR-1576) will be completed. The second copy of this form will be given to the suspect.
- (5) The officer who completes the Notice of Revocation or Denial Form may issue a temporary license when the suspect signs the form and relinquishes his/her valid Colorado driver's license.
- (6) Whenever a suspect's blood alcohol level exceeds 0.30, the intoxilyzer operator will advise the deputy sheriff in the jail or Detox personnel of the blood alcohol level.
- (7) All completed forms will be given to the intoxilyzer operator before the arresting officers leave headquarters.
- (8) The intake officer will decide whether the suspect will be jailed, released to the Sheriffs Department for alternative disposition or released to the Detox facility. The suspect may be jailed in the following instances: (also OMS 204.05)
 - a. The identification of the suspect cannot be reasonably verified.
 - b. The suspect has demonstrated combative behavior resulting in additional charges.
 - c. The suspect is wanted on an outstanding warrant.

204.04 Blood Alcohol and Drug Tests

- (1) When a DUI suspect has been taken to Denver Health Medical Center for treatment or a suspect requests a blood alcohol test in lieu of a breath test, all necessary forms are available in a kit at the emergency room. If a suspect is taken to a hospital other than Denver Health Medical Center, the officer will retrieve, or make arrangements to have transported to their location a blood kit from Denver Health Medical Center or the DUI Room. Once a suspect consents to a blood test, the officer will request it be performed by qualified medical personnel.
- (2) Instructions in the kit must be followed carefully. No markings on the kit should be damaged. The evidence bag must be saved.
- (3) The Blood Withdrawal Consent form, DPD 6, will be completed, including the name of the person drawing the blood, location on the body from which the blood was drawn, the date, the time, suspect's signature, and the officer's name as a witness.
- (4) When a fatality or serious injury accident has occurred and felony charges may be filed against the driver, a Traffic Investigation Bureau detective will be called to assist. In such cases, blood can be drawn even if the suspect objects. The serious injury must be to someone other than the suspect.
- (5) The medical personnel drawing the blood will fill out two labels. These labels will be signed by the officer as the witness, and then used to seal the gray-topped test tubes.
- (6) The test tubes and the evidence bag will then be taken directly to the Property Management Bureau.

- (7) The Toxicological Request Form will be completed. The blood alcohol kit number should be noted on this form as well as on the Sobriety Case Summary, DPD 243. The Toxicological Request should be placed in the evidence bag, which should then be initialed, dated, and sealed by the officer.
- (8) All reports will be hand carried to the Traffic Investigations Bureau.
- (9) When testing a person who is suspected of driving under the influence of drugs, an indication of the type of drug used should be given whenever possible.
- a. When testing a person suspected of driving under the influence of drugs only, a urine sample is preferred.
 - b. When testing a person suspected of driving under the influence of drugs and alcohol, a blood or breath sample and a urine sample should be obtained.
- (10) All urine specimens must be witnessed by proper personnel; either medical personnel, police officers or jail personnel. The full name of the witness to the specimen will be on the Sobriety Case Summary. Urine samples will be taken only in conjunction with suspected drug use.
- (11) Suspected drug use:
- a. When available a Drug Recognition Expert (DRE) officer should be notified. When a DRE officer is unavailable, a consensual blood sample can still be taken. If a blood sample is taken, the officer will ensure that two (2) blood kits are used and that four (4) vials of blood are obtained.
 - b. When blood is drawn from a person suspected of drug use, red topped tubes, which are available from hospital supply or from the Traffic Investigation detectives, should be used in place of the gray topped tubes which are provided in the Denver Police blood alcohol kit. Red topped tubes should be used for Drug Testing ONLY.
 - c. When both drugs and alcohol are suspected, blood should be drawn in both red topped and gray topped tubes, as analysis is performed separately.
- (12) Urine specimens must be hand carried to the Property Management Bureau in a State of Colorado specimen box and sealed with the evidence tape provided. The State of Colorado Toxicology Request Form will be placed inside the box
- (13) When blood and urine samples are involved, a photocopy of the Toxicology Request Form will be placed in the bag with the blood sample.
- (14) When several samples are taken, such as urine and blood or blood in both red topped and gray topped tubes, each sample should be sealed separately to protect the Chain of Custody during the analysis procedure.

204.05 Booking for Traffic Charges

- (1) The policy of the Denver Police Department is to limit the incarceration of individuals for traffic offenses to those persons who, in the department's judgment, reasonably may not appear before the court or whose behavior threatens or has created a substantial risk to public safety. Alternative disposition methods for those arrested on traffic charges are the release to a responsible party or transfer to Detox, when feasible.
- (2) All booking for traffic arrests other than DUI, Habitual Traffic Offender, and Speed Contest must be approved by the intake officer in the Traffic Investigations Bureau. During the hours of 0300 to 0600 when an on-duty Traffic Investigations Bureau intake officer is unavailable, officers should request the on-call Traffic Investigations Bureau supervisor through the Communications Bureau
- a. No individual will be jailed on misdemeanor traffic charges, including D.U.I., unless one of the following criteria is met.
 1. The identification of the suspect cannot be reasonably verified.
 2. The suspect has demonstrated combative behavior resulting in additional charges.
 3. The suspect is wanted on an outstanding warrant.
 4. The suspect's behavior was willful or deliberate and threatened or created a risk to the public's safety.
 - b. All felony traffic suspects will be jailed.

c. **D.U.I. Arrests**

1. The intake officer will make the decision to jail the suspect, release with a summons to the Sheriffs Department for alternative disposition or release to the Detox facility. The decision to jail will be based on the criteria found in subsection (2) a.
 2. After processing is completed, the arresting officer will deliver the suspect to the Sheriffs Department for jailing, alternative disposition or release to the Detox facility.
 3. Arresting officers will request a clearance on the suspect while in route to headquarters.
- d. Any person being jailed for INVESTIGATION of a traffic charge must be processed by a Traffic Investigations Bureau detective prior to jailing.

(3) When jailing a person for misdemeanor traffic charges, a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be completed. The officer will serve the prisoner the Defendant's copy. The remaining copies will be sent to the Detention Facility with the prisoner. All necessary information leading to the arrest will be left with the Traffic Investigations Bureau immediately prior to jailing.

- (4) When a General Session violation occurs in addition to a traffic violation, all arising from the same or continuing incident, officers shall proceed as follows:
- a. If the traffic charges pending against the driver would fall into the "infraction" category, complete and serve the defendant with both a GSS&C and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
 1. Because traffic infractions are classified as civil violations, double jeopardy does not occur from requiring two court appearances arising from the same incident.
 - b. If the traffic charges pending against the driver would fall into the "designated criminal violation" or "criminal violation" category, a General Session Summons and Complaint shall be completed, charging resistance, assault, etc. The applicable traffic charge(s) shall then be added in the "Other Violations" section of the same General Session Summons and Complaint.
 1. All proceedings will be held in General Sessions Court. The County Court will obtain the required traffic records and will prepare traffic conviction transcripts for the State Motor Vehicle Department.
 2. This procedure avoids two trials and prevents the possibility of the defendant paying or resolving a minor traffic ticket and then having the more serious General Sessions violation dismissed because of double jeopardy.
 3. Information concerning the defendant's driver's license, vehicle description and license number must be obtained and noted on the City Attorney's copy in the space provided for vehicle information.

204.06 Uniform Traffic Summons and Complaint/Penalty Assessment Notice

- (1) The Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be used when; a person is cited for a moving violation of the Denver Revised Municipal Code or Colorado Revised Statutes or is arrested and jailed for non-felony traffic charges.
- a. The Denver County Court Criminal Summons and Complaint, DPD 425, will not be used to cite traffic ordinance violations UNLESS a DUS, DUI, DUR, or DUD violation is also charged.
 - b. The Uniform Traffic Summons and Complaint/Penalty Assessment Notice shall not be used to file drivers' restraint violations (See OMS 204.10).
 - c. Officers will use the appropriate city ordinances whenever possible. C.R.S. shall not be used when there is an equivalent ordinance in the Revised Municipal Code.
- (2) Ticket books will be issued to officers by their supervisors who will keep the supply of ticket books under secure conditions.
- a. An officer receiving a book of tickets shall complete the information requested on its cover. The supervisor shall then sign the cover and forward it to the office of the Division Chief of Special Operations. This procedure does not apply to, Courtesy Traffic Warning, DPD 175.

- b. Before accepting a book of tickets, the officer should check it for a sequential arrangement of tickets. The book should not be accepted if the contents are not in order.
 - c. At the conclusion of their shifts, officers shall maintain the custody of their ticket books and be responsible for the issuance of each ticket in numerical order.
 - d. All tickets issued shall be turned in prior to going off duty.
- (3) All traffic ordinances (city and state) are classified into one of the following categories: criminal violations designated criminal violations or infractions.
- a. **Criminal Violation:** A violation of the state or city traffic code which is punishable by a jail sentence and for which the defendant is entitled to a criminal trial with all attendant rights. A violator being charged with a criminal violation will always be issued a summons requiring his appearance in court.
 - b. **Designated Criminal Violation:** A criminal violation of the traffic code for which payment of a fine by mail may be accepted in lieu of a court appearance. A violator charged with a designated criminal violation may be issued a Penalty Assessment Notice, making them eligible for discounted points and fines.
 - c. **Infraction:** A civil violation of the traffic code for which arrest is prohibited and for which a jury trial is not permitted, unless a 6-point speeding charge or aggravated accident is involved.
 - 1. Arrests for traffic infractions are not allowed.
 - 2. All infractions are written as Penalty Assessment Notices.
 - 3. Court appearances are not required. The driver may satisfy legal obligations by mail.
 - 4. Drivers charged with infractions are eligible for discounted points and fines.
- (4) Completing the Uniform Traffic Summons and Complaint/Penalty Assessment Notice
- a. The Uniform Traffic Summons and Complaint/Penalty Assessment Notice is designed in such a manner that both a Summons and a Penalty Assessment can be written on the same form.
 - b. All information entered must be printed in such a manner that all four copies are legible.
 - c. Fill in the form completely, giving the information requested. In boxes where just a mark is needed, use an "X", making sure the mark is placed within the confines of the box.
 - d. Identifying Information
 - 1. A complete home address of the defendant will be listed on all tickets issued. See OMS 109.01(2) b.3.
 - 2. Driver identification
 - a. If there is doubt about the driver's identity, complete the physical description and, use an "Identiseal" Kit to affix the right index fingerprint on the reverse side of the City Attorney's Copy.
 - b. If identification or information other than a driver's license is used to establish a driver's identity, note what form of identification or information was used.
 - c. If the driver refuses to identify himself, the officer may transport the driver to the Identification Section for the purpose of establishing positive identity.
 - 1. In these cases of "temporary detention", the officer is justified in conducting a pat-down and handcuffing the driver.
 - 2. In addition to the original charges, the driver may be charged with interference or failure to obey a lawful order.
 - a. If the driver was going to be charged with an infraction (a civil violation), charging him on a GSS&C will not constitute double jeopardy.
 - b. If the driver was going to be charged with a criminal violation or designated criminal violation, both the original traffic charge and any additional charges should be made on the GSS&C. See OMS 204.05(4).

3. Commercial Driver's License Violations: Three check-off boxes are provided for the purpose of interstate tracking of commercial motor vehicle violations. Checking these boxes, when appropriate, does not have any bearing on points or fines and does not require the officer to issue a summons.
 - a. CDL - The driver has a commercial driver's license.
 - b. CMV - the offense was committed in a commercial motor vehicle
 1. CMV Definition: A vehicle with a gross vehicle weight rating of 26,001 lbs. or more; a vehicle designed to transport 16 or more persons, including the driver; or a vehicle of any size which requires hazardous material placards.
 2. CMV Exceptions: Farm vehicles within 150 miles of the farm, recreation vehicles, military vehicles driven by military personnel, firefighting vehicles.
 - c. HMC - the vehicle was placarded for transporting hazardous materials.
4. Completing the information concerning the driver's place of employment or Social Security number will assist the courts in collection of a civil judgment for a traffic infraction.
 - a. Accident check-off box
 1. When the driver is cited for an accident-causing violation, this box shall be checked.
 2. The box is printed in black and serves only as a reminder to the officer and court personnel that the driver was involved in a traffic accident and that the Accident Report should be a part of court documentation at trial.
 3. Checking this box has no bearing on any fines and does not require the officer to issue a summons.
 - b. After deciding what charge(s) will be written, determine if the violation is a criminal violation, designated criminal violation or an infraction.
 1. For those traffic violations not listed on the face of the ticket, the officer will, in the space marked "Other Violations", list the section number, a brief description of the violation charged and the number of penalty points attached to the violation.
 2. Refer to the Traffic Ordinance Summary, DPD 70, for the penalty point and fine information for ordinances not preprinted on the ticket.
 - c. Summons - Procedures
 1. A summons requiring the defendant's appearance in court will be issued when:
 - a. The defendant is charged with a criminal violation of the Denver Revised Municipal Code or the Colorado Revised Statutes traffic code.
 - b. The defendant is charged with a traffic infraction but is also involved in an accident and the "Personal Injury/Death" or "Significant Property Damage" box is checked.
 - c. The defendant is charged with a traffic infraction and a criminal violation.
 - d. The defendant is charged with a 6-point speeding.

2. All criminal violations printed on the face of the ticket are in red. The "Personal Injury/Death" and "Significant Property Damage" boxes are also printed in red. If any box printed in red is checked by the issuing officer, a Summons must be issued.
 - a. "Significant Property Damage" has been defined by the City Attorney's Office as being damage to any vehicle or property of another person which is moderate or extreme (damage severity codes "2" or "3").
 3. Check the box "SUMMONS - IF THIS BOX IS CHECKED YOUR APPEARANCE IN COURT IS REQUIRED", set the arraignment date & time and serve. No information concerning points and fines for violations requiring a summons shall be written on the ticket.
 - a. To prevent any alteration of the ticket, place a large "X" through the Scheduled Fine and Early Payment Discount areas of the Penalty Assessment section.
 - d. Penalty Assessment - Procedures
 1. For those ordinances classified as "infractions" or "designated criminal violations", a Penalty Assessment Notice will be issued.
 2. Because they are civil in nature, arrests for violations classified as infractions are not allowed.
 3. Check the box marked "PENALTY ASSESSMENT"
 - a. The total number of penalty points and the total fine amount for the traffic infraction or designated criminal violation cited are to be written on the face of the ticket in the Scheduled Fine area.
 - b. In the space marked "Early Payment Discount", the officer will figure the discounted fines and points in the area provided. See the Traffic Fine Summary, DPD 70A.
 - c. The fines and points for C.R.S. violations are set by Statute and cannot be discounted.
 - e. Service
 1. A Penalty Assessment Notice may be "tendered" to the violator. The officer need only hold out and offer the ticket to the violator - this constitutes service.
 2. If the driver refuses service of the ticket for a Designated Criminal Violation, he may be issued a summons, requiring his appearance in court.
 3. A driver cannot be arrested merely for refusing service of a ticket for a Criminal Violation. The conditions in OMS 204.05(2)
 - a. must also be met.
 - f. For both Penalty Assessments and Summons, the issuing officer shall assign a date and time for arraignment.
- (5) Additional information, such as the circumstances of the violation which would be helpful to the officers of the court in prosecuting the case should be written on the back of the City Attorney's copy of the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
 - (6) Officers will not scratch out information on the face of a ticket, but instead are to void the ticket and issue a properly completed one in its place. See OMS 204.14.
 - (7) Amending a Ticket

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- a. When an error is discovered after a ticket has been served, a request to amend the ticket will be noted in the "Other Violations" area on the face of the ticket. The information to be amended and the correct information will be listed on the back of the first copy and initialed or signed by the officer.
 - b. The name, location, date, charge and officer signature cannot be added if they're missing from the face of the ticket. If they are incorrect, they can be amended.
- (8) When using the Uniform Traffic Summons and Complaint/Penalty Assessment Notice for multiple offenses, issue only one ticket. The location where the first violation occurred to the location where the last violation occurred should be included on the front of the ticket. Additional violations or second violations of the same charge should be written in the Other Violation Section and indicated as such.
 - (9) Officers will advise violators to read the instructions pertaining to either a summons or penalty assessment found on both sides of the defendant's copy of the ticket. They will also advise the violator that the ticket is the only notice he will receive.
 - (10) When two or more officers are involved in issuing Uniform Traffic Summons and Complaint/Penalty Assessment Notices for traffic violations, the officer who will testify in court will complete the form in its entirety, signing his name as complainant and as the serving officer. In order to have the second officer or additional officers subpoenaed into court to testify; their name and serial number must be endorsed on the back of the City Attorney's copy as witnesses.
 - (11) If a Traffic Investigation detective is able to clear a "Hit-and-Run" or "Incomplete" report by the issuance of a ticket to the defendant, and the officer making the original Accident Report is unable to appear to serve this ticket, the investigator handling the case will take the following steps:
 - a. Issue a ticket to the defendant, signing it as the complainant.
 - b. Sign the ticket as officer serving.
 - c. On the back of the ticket, list the name and serial number of the officer making the original accident report as a witness. Do not list the officer as the complainant.
 - (12) A driver may be arrested if he is charged with a criminal violation of the traffic code and the conditions in OMS 204.05(2) a. are met.

204.07 Traffic Warnings

- (1) The Courtesy Traffic Warning, DPD 175, will be used for traffic violations which are primarily non-hazardous in nature.
- (2) Non-hazardous violations are defined as violations of any law, ordinance, or regulation affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians. Examples of violations for which a Courtesy Traffic Warning should probably be issued are:
 - a. No operator's license in possession, although it is valid.
 - b. No registration in vehicle.
 - c. Tail light or stop light out.
 - d. Obscured license plate.
 - e. Turning into one-way street the wrong way (no traffic present).
 - f. Non-hazardous bicycle ordinances.
 - g. Some cases of obscured windshield.
 - h. Head light out.
 - i. Failure to Sign Registration
- (3) Judgment and discretion must be used by officers when determining what type of citation to use. The Courtesy Traffic Warning is not a substitute for the Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (4) Courtesy Traffic Warnings will not be issued for speeding violations which are in excess of 10 mph over the posted speed limit.

- (5) The Traffic Warning Ticket is composed of two (2) copies, the Violator's Copy and the Special Operations Division Copy. Care should be used in completing these forms, stating the facts on the reverse side of the Special Operations Division Copy.
- (6) Officers will attach the Special Operations Division copy to their log sheets.
- (7) Supervisors will review all Courtesy Traffic Warnings issued by their personnel to ensure that the violations fall within the guidelines established for a warning ticket.
- (8) The Special Operations copy must be sent to the Division Chief of Special Operations once the review process is completed.

204.08 Furnishing Unauthorized Persons with Citations, Summons and Complaint Forms.

- (1) Pursuant to Section 54-54 of the Revised Municipal Code, only Denver Police Officers and other employees of the City of Denver, as designated by the Manager of Safety, are authorized to issue Parking Citations, Uniform Traffic Summons and Complaint/Penalty Assessment Notices or General Session Summons & Complaints.
- (2) Officers and employees of the Denver Police Department shall not furnish any of the above mentioned citations or summons to any person(s) not authorized by the Manager of Safety.

204.09 Random Vehicle Stops

- (1) Officers will not stop motorists for the sole purpose of ascertaining if the driver has a valid drivers license or vehicle registrations: Delaware v. Prouse, No. 77-1571, U. S. Supreme Court.
- (2) A stop may be made if there is distinct and reasonable suspicion that the driver is unlicensed; that the vehicle is unregistered or misusing license plates.
- (3) A stop may be made if a definite departmental or division policy has been established that a certain number of vehicles will be stopped.

Examples: Every tenth, fifth or third car or every other car traveling past a given point.

204.10 Driver's Restraint Violations

- (1) If it is determined that a person is driving a vehicle and is under suspension, denial, or in violation of a restricted driver's license, the person must be charged on a Denver County Court Criminal Summons and Complaint in the following manner:
 - a. A defendant who is DUS, DUR or DUD may be issued a summons on the street providing that his right index fingerprint is placed on the County Court copy of the summons. Identiseal fingerprint kits shall be available at District Stations and in all cruisers, district and traffic cars. A defendant who refuses to allow a fingerprint to be taken shall be taken to the Traffic Investigations Bureau for processing.]
 - b. Other traffic charges may be filed in conjunction with DUS, DUD, or DUR, but must be converted to the State Statutes.
 Example: DUS (C.R.S. §42-2-138) and Speeding (C.R.S. §42-4-1101). Other misdemeanor charges, such as Resisting Arrest (C.R.S. §18-8-103), may also be charged in conjunction with these charges. Use blank spaces on the Criminal Summons and Complaint for these charges.
 - c. Denver police officers shall not convert Municipal Traffic Ordinance violations to Colorado Revised Statute traffic violations and charge the defendant on the Denver County Court Criminal Summons and Complaint form when such charges are not filed in conjunction with DUS, DUR, DUD, or DUI charges.
 - d. If other criminal violations or traffic violations, such as DUI, Hit and Run or Eluding, are to be charged in connection with DUS, DUD, or DUR, the defendant must be processed through the Traffic Investigations Bureau.]
 - e. The court appearance date on the Criminal Summons and Complaint will be a minimum of thirty (30) days from the date of service.

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- f. In the box at the bottom of this form which indicates a bond has been set, check the box marked, "Bond not required."
 - g. The back of the District Attorney's copy shall be used to explain the reason(s) establishing probable cause for the driver restraint charge (i.e. driver observed eastbound on _____ Street, disregarding red traffic control device, etc.) and any additional notes the officer feels necessary for successful prosecution. Probable cause is not established by placing any additional charge(s) on front of Criminal Summons and Complaint. This procedure is necessary to thwart a motion to suppress based on no probable cause for arrest.
 - h. Any copies of the Criminal Summons and Complaint remaining in the officer's possession after the defendant has been served are to be put into an envelope and placed in the District Station or Bureau ticket box.
- (2) Drivers of U.S. Government owned or leased vehicles are required by government regulation to carry a valid state driver's license endorsed to correspond with the class of vehicle being operated. Government driver's licenses are no longer required or issued to government employees.
 - (3) Military personnel who violate traffic laws while operating a private vehicle are responsible in the same manner as civilians. Drivers of official vehicles on official business, who are stopped by local police for traffic violations, should not normally be arrested or detained unless the nature of their offense is such or it is apparent that they are in such condition that further operation by them would be detrimental to their safety or the safety of others.
 - (4) Military personnel driving a civilian vehicle must have a civilian driver's license. If reasonable proof of military duty in Colorado is available, an out-of-state driver's license is valid even though the civilian vehicle is licensed in Colorado.
 - (5) The commanding officer, generally the Provost Marshal of the area, should be advised in serious cases involving military personnel. In cases of urgent military necessity, coordination will be effected between military and civilian authorities when possible.

204.11 Misuse of License Plate Violations

- (1) Misuse of plates violations (C.R.S. §42-3-133), will be handled by issuing a Uniform Traffic Summons and Complaint/Penalty Assessment Notice.
- (2) The vehicle on which the plates are attached should not be impounded unless there are other violations in addition to misuse of plates. Prior to impounding unattended vehicles, use discretion. A recent change of ownership or transfer of plates may not be reflected in the master file. Do not rely entirely on records being current.

204.12 U. S. Mail and Other Public Carriers

- (1) The driver of a mail carrying vehicle shall not be taken into custody, except when they are charged with a felony, intoxication, or their mental or physical state is such that they are a hazard to society generally.
- (2) When physical arrests are made, the arresting officer shall immediately cause the Superintendent of Motor Vehicle Service, U. S. Post Office, to be notified.
- (3) Protection of Mail: Pending the arrival of a Post Office representative, the arresting officer shall be responsible for the safety of the vehicle and its contents.
- (4) The operator of government owned, leased or privately owned mail carrying vehicles shall be permitted to park in building entrances, in the courtesy loading zones and at the end of each block for pick-up and delivery only. These privileges are granted to facilitate the pick-up and delivery of the mail, and any abuse of them will warrant positive enforcement action to be taken.
- (5) Except as otherwise set forth in this Operations Manual, the operators of government owned, leased or privately owned vehicles operated by government employees, are required to obey all traffic ordinances and statutes as set forth in the Denver Revised Municipal Code and/or Colorado Revised Statutes.

204.13 Speeding Citations

- (1) All speeding citations shall be written in conformance with the Municipal Traffic Code.

- (2) All officers shall acquaint themselves with the location, type, size, and wording of all speed zone signs in the respective assigned area.
- (3) Issuing speeding citations: The officer citing the violation shall make out the citation for speeding, giving the speed the vehicle was traveling and the legal speed limit. If conditions warrant, officers may add the charge of careless or reckless driving. Officers must be able to articulate the driving that constituted either the charge of careless or reckless driving.
- (4) Officers shall not cite careless or reckless driving in lieu of a charge of speeding. Speeding may be used as a contributing factor in sustaining a charge of careless or reckless driving.
- (5) Officers enforcing speed laws shall use their judgment in regard to the number of miles per hour over the legal speed limit a motorist is permitted before being stopped and warned or cited.
- (6) In cases of inadequate markings or signs, the officer shall take no enforcement action. They shall call the deficiency to the attention of the Traffic Engineer on the Administrative Inter-departmental Referral form (ADM #45) and attempt to have the error corrected unless markings or signs are not required by ordinance. For example: Speed Zone Signs.

204.14 Citations – Voiding

- (1) When it is necessary for an officer to void a citation that they issued, because of an error or other legitimate reasons, the following procedures shall be followed:
 - a. A Traffic Citation Void Request, DPD 238, shall be completed by the officer voiding the citation, and submitted, along with copies of the citation, to the officer's supervisor for approval.
 - b. If applicable, the number of the citation written in lieu of the voided citation shall be included.
 - c. The form and the citation shall be forwarded to the Division Chief of Special Operations by the supervisor approving the request.
- (2) Officers driving a police vehicle are prohibited from parking illegally while not on official business.
- (3) Officers driving unmarked police vehicles, while on official business, are prohibited from parking illegally, unless:
 - a. There is an urgent need to do so, or
 - b. The illegal parking is for a meter violation or a loading zone violation only.
- (4) Officers receiving parking citations on police vehicles while on official business shall complete a Traffic Citation Void Request, DPD 238, and submit it to their supervisor for approval. The signatures of the officers and commanders must be legible.
 - a. The form and citation will be forwarded through the officer's chain of command and then to the Division Chief of Special Operations.
 - b. Each level of command shall assure that the officer was actually performing official business before approving the voided citation and shall issue appropriate instructions to avoid repeated violations.
 - c. All requests must clearly state the reason the officer is requesting the dismissal, and must detail the specific nature of the official business.
 - d. If the citation is for illegal parking (other than an expired meter or a loading zone violation) it is necessary to describe the urgent circumstances which necessitated parking at that location. Tickets for parking in a no parking zone permit only, or other restricted parking will be forwarded to the respective Deputy Chief, by the Division Chief of Special Operations, for consideration.
 - e. The Department is required to pay all parking fines except meter violations and loading zone violations while on official business. If the officer **request that the department pay the fine** for a parking citation that the officer received while on official business, the officer shall explain in detail, on a DPD 238 or DPD 200, the reason for the request. Officers found in violation will be subject to disciplinary action.
 - f. Violations by officers will be dealt with as follows:
 1. First violation: Oral reprimand with entry an SSR entry. (OMS 503.02)

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2. Second violation within a twelve- month period - written reprimand.
 3. Third violation within a twelve- month period - suspension for one (1) day without pay.
 4. Continued violations will be dealt with more severely.
- g. Police vehicles parked in zones reserved for other agency vehicles may subject the operator to disciplinary action.
- h. Outside agencies will handle their citations according to the rules established by the Parking Violations Bureau. The only exceptions will be when they are involved in a joint task force operation, investigation, or other "official" police business in conjunction with the DPD. If this is the case, they will process the citation by passing it up the chain of command of the Denver officers they are working with per section (4) of this policy. If the request is denied, the citation will be returned to the outside agency for disposition or payment.
- (5) Officers who receive overtime parking citations on their personal vehicles while attending court shall sign the front of the citation and indicate the docket number and court room attended, then forward it to the Court Coordinator for processing.
- (6) CSA employees in violation will be dealt with according to Career Service guidelines.

204.15 DELETED

204.16 Private Emergency Vehicles Involved in Traffic Violations

- (1) Officers observing emergency vehicles on emergency runs being driven in a reckless or careless manner will document the facts and forward same to the Office of the Director of Excise.
- (2) Officers observing emergency vehicles not on emergency runs being driven in violation of the law will take appropriate action as with any other vehicle. See OMS 205.03

204.17 Juvenile Traffic Accident and Citation Procedure

- (1) Juveniles over the age of fourteen who are contacted by officers concerning traffic violations will be handled in the same manner as adults: the Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued and processed by the County Traffic Court. However:
 - a. If the incident involves a traffic charge which is classified as a Criminal or Designated Criminal Violation and another non-traffic ordinance violation, the Juvenile Summons and Complaint will be used for all charges.
 - b. If the incident involves a traffic charge which is classified as an Infraction in addition to a non-traffic ordinance violation, both a Juvenile Summons and Complaint and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued.
- (2) State law provides that any child of ten years or older may be charged with traffic violations; however, the prosecution must prove that a child between the ages of ten (10) and fourteen (14) knows the difference between good and evil.
- (3) Only under extenuating circumstances, and with the approval of a sergeant or the TIB will a child between the ages of ten and fourteen be charged with any traffic violation.
- (4) When a traffic summons is issued, no vehicle or motor scooter will be impounded unless the violation is of a serious nature or it has been involved in an accident and is not drivable.
- (5) When it is necessary to impound a bicycle, the procedures in OMS 206.01 shall be followed.
- (6) Juveniles involved in incidents in which there are both traffic violations and other offenses shall be processed for the most serious violation/offense to determine whether a police hold at Gilliam Youth Services Center or a release with an order-in is the appropriate disposition. If an order-in is made, it shall be to the Investigative Section responsible for the most serious violation/offense.
 - a. The order-in will normally be made to an office in the Police Administration Building and only to a district investigative unit when the related offense is burglary or theft.

- b. Detectives responsible for the most serious violation/offense will notify other detective(s) handling less serious violations/offenses of the order-in and coordinate the investigative effort.
- (7) Juveniles arrested for traffic offenses will not be placed in the Detention Facility. They shall be taken to the TIB where it will be determined if they are to be held. See OMS 403.01 and 405.02. If they are to be held, they will be sent to the Gilliam Youth Services Center with a copy of the Juvenile Case Summary, a copy of the Traffic Case Summary and a Summons and Complaint (if applicable). If they are not to be held, they will be processed according to OMS 405.08, Disposition of Juveniles Not Held.

204.18 Parking Citation Procedure

- (1) Parking Enforcement Policy:
 - a. It shall be the policy of the department to afford the driver or licensed occupant of an illegally parked vehicle the opportunity to move the vehicle prior to a citation being issued. The exception to this policy will be vehicles parked illegally in safety zones to include school zones.
 - b. Officers shall not cite a vehicle in continuous violation of a non-time specific parking zone, such as "No Parking Anytime", more than once each day. Each succeeding day will constitute a new and separate offense.
 - c. Officers shall not cite a vehicle in continuous violation of a time specific parking zone, such as metered and limited time zones, more than once in the a.m. and once in the p.m. in a single day.
- (2) A parking citation shall not contain more than three (3) parking violations. If more than three violations exist, additional citations shall be used.
- (3) When a parking citation is issued, the officer will compare the license number with the current Auto Theft and Traffic Violation Bureau list if possible. See OMS 206.04(1) e., 102.05(21), and 207.01.
- (4) The parking citation requires a plate type, plate number, state, vehicle make, vehicle style, date and time of offense and violation.
 - a. Check boxes are included for the most common plate types, license states and vehicle makes.
 - b. The flyleaf on the citation book contains state abbreviations, plate type codes, and abbreviations for vehicle makes and styles which will be used when a check box is not adequate.
 - c. If the vehicle being cited has no license plate or has a temporary registration permit, enter the last eight (8) digits of the VIN in the plate number boxes. The entire VIN number and temporary permit number, if applicable, will be written in the comments box.
- (5) Officers writing parking tickets for violations which are not preprinted on the ticket must include an ordinance number as well as a description of the illegal parking in one of the "Miscellaneous" boxes, numbered 16 or 66.
- (6) When a parking violation results in an actual or potential impairment to traffic flow, the appropriate violation(s) listed with an asterisk (*) shall be checked.
- (7) Parking on Private Property
 - a. Upon complaint by the owner or agent of any private property, an officer will issue a parking citation, placing the citation on the car in a visible location. The name, address, telephone number and signature of the complainant shall appear on the front side of the ticket, in the Comments area. NOTE: If the complainant is representing a business firm, the address and phone number of the business should be used. Do not use the complainants' home address and phone number under these circumstances.
 - b. The ordinance does not give the Police Department the right to tow and impound vehicles for this violation. See OMS 206.04(1) g.
 - c. Complainants shall be ordered into court to testify in all cases of appeal.
- (8) All citations issued shall be turned in at a district station or Headquarters prior to going off-duty.

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- (9) All citations issued by off duty officers, including those issued during approved secondary employment, shall be turned in at a district station, Traffic Operations or Headquarters within eight (8) hours of the termination of employment.

204.19 Police Building Traffic Regulations

- (1) To enhance the safety of every person who works, conducts business, is incarcerated in, or visits the Police Administration Building or the PADF, the underground parking area at the Police Administration Building has been designated for the parking of authorized vehicles ONLY.
- a. All authorized vehicles must be properly parked in accordance with the marked spaces and within the designated times. Under no circumstance shall a vehicle be parked so as to block any of the entrances or exits.
 - 1. Only law enforcement vehicles transporting prisoners shall be parked in the caged prisoner drop off area.
 - 2. Assigned parking spaces are for the sole use of the individual or unit designated.
 - b. Unless specifically authorized by their Division Chief, personnel are prohibited from entering underground parking levels except when driving city vehicles and conducting on-duty official business. Non-police vehicles parked in violation of these provisions may be ticketed and/or impounded.
 - c. Unauthorized vehicles which are owned and/or operated by a police officer or CSA employee and found parked in the underground parking levels shall be in violation of this section.
 - d. Violations by officers will be dealt with as follows:
 - 1. First Violation - Oral reprimand with an SSR entry. See OMS 503.02.
 - 2. Second Violation within a twelve-month (12) period - Written reprimand.
 - 3. Third Violation within a Twelve-Month (12) Period - Suspension for one (1) day without pay.
 - 4. Continued violations will be dealt with more severely.
 - e. CSA employees in violation will be dealt with according to Career Service guidelines.
- (2) Personnel will be held strictly accountable for the security and careful handling of any parking access card assigned to them or to the vehicle they operate.
- a. Parking access cards which are lost, stolen or damaged must be immediately reported to the Office of the Division Chief of Research, Training, and Technology.
 - b. Requests for replacement parking access cards must be submitted through the chain of command to the Division Chief of Research, Training, and Technology.
 - c. If negligence contributed to the loss or damage of the parking access card, the Division Chief of the employee involved may recommend that a replacement fee be assessed.
- (3) Unless otherwise directed, operators of all motor vehicles entering the underground parking will do so while traveling in a southerly direction on Cherokee Street. Those exiting the underground parking **will** utilize the south ramp and exit onto Cherokee Street in a southerly direction.
- (4) All vehicles shall be driven at a speed of not more than five (5) MPH on any portion of the parking levels of the Police Administration Building. Operators of all motor vehicles shall use utmost care and be alert for and yield the right-of-way to pedestrians.
- (5) The entrance to the parking levels in the Police Administration Building will normally be closed. To gain access, drivers must stop at the top of the entrance ramp and use the security card assigned to them or the unit being driven to activate the automatic gate and doors.
- a. To gain access without a security card, the driver must produce identification at the TV camera at the top of the ramp and explain, via intercom, the nature of official police business justifying admittance to the underground parking. A log will be maintained to document every such incident.

- b. Video tape records will be maintained documenting all vehicles and their drivers entering the underground parking.
- c. Video tapes, logs and computer data will be reviewed regularly to identify lost or malfunctioning cards and incidents of unauthorized use of the underground parking.

204.20 Parking Police Vehicles at the City and County Building and Denver International Airport

- (1) Police Department equipment shall not be parked in zones restricted to other agencies. This applies to both on-street and off street parking. See OMS 204.14. Official police cars may be parked on the underground parking levels of the Police Administration Building when an officer has a court appearance or other business to conduct at the City and County Building.
- (2) Personal cars of officers shall not be parked in zones restricted for police vehicles or other agencies. Citations for this violation will not be excused. These citations remain the responsibility of the vehicle operator.
- (3) Police Parking Procedures at Denver International Airport
 - a. Official Business
 - 1. Denver Police Officers who are at the Airport on official business will enter through the access plaza on Pena Boulevard, take a ticket, and park in the parking structure. When exiting through the access plaza, the officer must present proper police identification, including name and badge number, and return the ticket to the parking attendant. There is no parking fee under these circumstances if the elapsed time is less than twenty-four (24) hours.
 - 2. Should any difficulty be encountered, first try to resolve the matter by requesting to speak to a parking supervisor. If that fails, contact an on-duty Airport Police Bureau Supervisor, through the Airport police dispatcher, by radio or by phone at 303-342-4212.
 - 3. For official-duty parking over twenty-four (24) hours, the officer must pay the parking fees and include the amount in the request for reimbursement of travel expenses.
 - b. Police Officers Not on Official Business

Officers coming to the Airport on personal business are responsible for paying appropriate parking fees.
 - c. Emergency Response

Officers who are responding on emergencies should contact the Airport Police Dispatcher as soon as practical, preferably by police radio. The Airport Police Bureau will provide escorts and/or directions to a staging area, as necessary, to address the problem. This would include Bomb Squad, SWAT and any other units required on a major incident.
 - d. Transporting Prisoners
 - 1. Officers who are transporting prisoners can utilize reserved spaces, which are signed for this purpose, on the fourth level of the parking structure. These spaces are located near door 400 at the north end of the west side and door 401 at the north end of the east side. A one-hour time limit applies to these spaces.
 - 2. Officers should contact the Airport Police Dispatcher at 303-342-4212 to request use of the space.

204.21 Citizen's Complaint on Moving Traffic Violations

- (1) When a citizen makes a complaint to a police officer against another citizen regarding anon-accident traffic violation not committed in the officer's presence and wishes to prosecute, the following information is necessary before the City Attorney will accept the case:
 - a. The citizen must be able to identify the driver, not just the car.
 - b. The citizen must have one other independent witness who can identify the driver.
 - c. The citizen must supply the license number and description of the car.

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- d. Information as to the date, time and location of the violation and violation type must be obtained.
- (2) The officer receiving this information will forward it to the Traffic Investigations Bureau on Inter-Departmental Correspondence, DPD 200. The Traffic Investigations Bureau detectives will conduct the follow-up investigation, and will notify the complainant when to appear to make identification and swear out the complaint.
- (3) In those instances when evidence is unavailable, or marginal at best to support the contention that a city Ordinance violation has in fact occurred, or where the information required in OMS 204.21(1) is not available, the officer shall tactfully but firmly explain to the citizen the limits of police and city attorney involvement allowed by the law.
- (4) In no instance is a citizen to be referred to the City Attorney's Office, the County Court or to the Information Desk at Police Headquarters.

204.22 Vehicle Registration Violations

- (1) When an Agency Investigator of the Denver Motor Vehicle Department contacts a Denver Police Officer for a violation of C.R.S. §42-3-103(4)(a), the officer may impound the vehicle for Improper Registration. On those vehicles impounded, the following procedures will be followed:
 - a. A citation for C.R.S. §42-3-103(4) (a) "Failure to obtain Colorado plates after thirty (30) days," will be issued by the officer. This will also be signed by the Agency Investigator.
 - b. An Impounded/Recovered Vehicle Report, DPD 224, will be completed by an Agency Investigator and co-signed by the officer.
 - 1 Reason for impoundment will be "Failure to obtain Colorado plates after thirty (30) days."
 2. Citation number and motor vehicle notice number will be included on the Impounded Vehicle Report.
 3. Also included will be date of original notice to indicate the thirty (30) day period has elapsed.
- (2) Officers suspecting an out-of-state license vehicle being owned by a legal citizen of this state shall notify the officer in charge of the Traffic Investigations Bureau in writing. The investigator will in turn notify the Motor Vehicle Department.

204.23 Visible Emissions from Engines

- (1) Visible emissions violations will be charged on the General Violations Summons and Complaint.
 - a. The "General Violations Summons and Complaint" will be completed and served in the same manner as the General Sessions Summons and Complaint, and **MUST** be used in emissions violations to ensure cases are filed in the Environmental Court.

Violations of Section 4-5, Revised Municipal Code are **NOT** to be written on either the Uniform Traffic Summons and Complaint or the General Sessions Summons and Complaint.

 1. Only emissions violations will be charged on the General Violations Summons and Complaint. Other violations coming to an officer's attention will be written separately on the appropriate summons, such as additional traffic charges on the Uniform Traffic Summons and Complaint. If two summonses are issued, summons numbers should be cross referenced in the officer's notes to ensure the charges will be tried at the same time.
 2. The appearance date will be fourteen (14) to thirty (30) days from the date of issuance. Avoid making the appearance date fall on a Saturday, Sunday, or Holiday.
 3. Officers' notes should be made on the back of the "Agency" copy, and will include the information pertaining to vehicle identification, such as year, make, model, license, and identification number.

4. It is NOT necessary for the defendant to sign the General Violations Summons and Complaint.
- (2) When the temperature is thirty degrees Fahrenheit or LOWER, no violations will be charged. When the temperature is **ABOVE thirty** degrees Fahrenheit, the owner or operator of any motor vehicle exceeding visible emissions limits will be charged as follows:
- a. If the vehicle has a gasoline powered engine emitting visible air contaminants for a period of time greater than five (5) seconds, the owner or operator will be charged with a violation of Section 4-5 (b), "Emitted Visible Emission - Gasoline", of the Revised Municipal Code, on the General Violations Summons and Complaint.
 - b. If the vehicle has a diesel powered engine emitting visible air contaminants which exceed twenty percent opacity for a period of time greater than ten seconds (excluding diesel powered locomotives engaged in switching operations which are allowed forty percent opacity), the owner or operator will be charged with a violation of Section 4-5 (c), "Emitted Visible Emission - Diesel", of the Revised Municipal Code, on the General Violation Summons and Complaint.
 1. Only officers certified by the Department of Health and Hospitals are authorized to enforce the provisions of the ordinance that pertains to diesel emissions.

