

301.00 - CRIMINAL INVESTIGATIONS

301.01 Crime Scene

- (1) The crime scene is anywhere the action of the crime occurs or where evidence of that crime can be recovered. The crime scene contains proof that a crime has been committed. It often holds many or all of the elements of the crime and provides an abundance of physical evidence. Evidence connects the crime scene to the victim, a suspect or suspects, and the suspect(s) and victim(s) to each other. Maintaining the integrity of a crime scene is of central importance to criminal investigations and therefore must be processed in a collaborative, professional and methodical manner.
 - a. Definitions:
 1. Crime scene integrity will be maintained by no fewer than one (1) and as many as two (2) levels of security depending on the crime scene type. Major crime scenes (as addressed in 301.01(7) c.) will consist of no fewer than (2) levels of security. Security can be accomplished by use of natural barriers, structures, police and emergency equipment, personnel, and crime scene tape. These security levels include:
 - a. Outer parameter: this is the outer most boundary of the crime scene. It is designed to exclude all non-essential personnel from the crime scene area. This outer area is also designed to provide a "safer or buffer zone" for officers to conduct official business during the processing of the critical, inner perimeter of the crime scene and provides a barrier from the public areas. When situations require, a command post and/or media staging can be designated in an area contiguous to this outer parameter. The outer parameter will be designated by YELLOW tape. This single level of security will suffice when the crime scene being processed only requires minimal protection.
 - b. Inner parameter: this is the designation given the boundary in a major case periphery where the evidence exists and has been located. The inner parameter will be accessible to those officers who have legitimate responsibility to the security of the crime scene, the completion of crime scene processing and the investigation of the case. The inner parameter will be designated by RED tape.
- (2) Crime Scenes are documented using methods including, but not limited to:
 - a. Photography (still and video)
 - b. Measuring
 - c. Scene diagramming
 - d. Note taking and scene describing (supplemental reporting)
 - e. Homicide, Police Shooting, or Police Incident, which results in a death or gravely serious bodily injury crime scenes, will be processed using all available documentation methods when reasonable and beneficial to the case.
 - f. All other crime scene investigations will utilize the proper level of documentation necessary to record the crime being investigated. The decision as to the level and reasonableness of the documentation necessary will be made collaboratively by the ranking member of the investigation team and the Director of the Crime Laboratory or their respective designees. Samples of large pieces of evidence are preferred over recovering the entire item unless it can be demonstrated that seizure of such evidence is beneficial to the case investigation. The decision to collect such large items may require consultation with the District Attorney or their designee.

- (3) General Provisions: The purpose of crime scene investigation is to properly and legally process a crime scene and collect sufficient evidence to justify the arrest and prosecution of the person(s) responsible for the crime, and to utilize recovered evidence in legal proceedings. An efficient and effective investigation requires that tasks be performed by the appropriate personnel to avoid duplication of effort. A systematic approach will be followed to ensure that all possible actions have been taken, and that the expertise of all investigative personnel has been utilized. Therefore, the provisions listed in this Section 301.01 will be adhered to by all officers and personnel when engaged in criminal investigations, whenever applicable and to properly document or cause to be documented, the crime being investigated.
- (4) Command at the Crime Scene. The first officer arriving at the crime scene is in command until relieved by a superior officer or upon arrival of personnel from the appropriate investigative unit. The command at the crime scene will ascend as delineated in OMS 501.01. The Crime Scene will be kept secure until such time as all reasonable efforts to process the crime scene have been accomplished. No unauthorized personnel will be allowed to enter the crime scene unless such entry is approved by the ranking member of the investigation team. If authorized, the admitted personnel will wear the proper attire, i.e., booties, gloves, Tyvek suit and mask, etc. as appropriate. All authorized personnel will have their name, badge number, and assignment recorded by the crime scene scribe on the "crime Scene Log" prior to entering the inner perimeter. Evidence contamination is a significant concern with regard to the processing of a crime scene; therefore, it is imperative that officers who touch the suspect do not conduct crime scene examinations. Furthermore, when more than one crime scene exists, i.e., multiple locations, suspect/victim vehicle, business, home, etc. that these crime scenes are not processed without first putting on the appropriate apparel, i.e., booties, gloves, Tyvek suit and mask, etc. Due to the fragile nature of evidence, it is paramount that no crime scene viewings be conducted until all possible evidence has been marked and a strict crime scene walking path has been established.
- (5) If there is the chance for the recovery of fingerprints or other physical evidence, the Crime Lab will be called regardless of the case being investigated. If no warrant issues exist, the crime scene will be processed by the Crime Lab personnel. If a warrant has not been obtained and the Crime Scene Detective believes one should be obtained before entering a crime scene, a Crime Laboratory Supervisor will be contacted.
- (6) General Offense reports on serious crimes which the investigating officer or his supervisor believe should have immediate follow-up or investigation, or which involves a prominent figure, or is likely to receive media attention will be HAND-CARRIED to the Records Section after being approved by a supervisor. In addition, General Offense reports on the following serious crimes shall be HAND-CARRIED to the Records Section after being approved by a supervisor:
 - a. Assault to a Police Officer if the officer requires hospitalization.
 - b. Assaults in which the victim is in danger of dying.
 - c. Kidnappings, hostage situations, or barricaded suspects.
 - d. All homicides or suicides.
 - e. Robberies in which the victim is seriously injured or shots are fired.
 - f. All sexual assault reports.
 - g. Burglaries or thefts in which the loss exceeds \$20,000, there is a substantial loss of narcotics or dangerous drugs, or there is a loss of toxic, radioactive, or dangerous material, including motor vehicles containing such material.
 - h. Confidence fraud games such as Bank Examiner's Swindle, Pigeon Drop, Jamaican Switch, or Gypsy Swindle.
- (7) Officers discovering a suspicious death or suicide shall assume that the death is criminal homicide and proceed accordingly. They shall investigate all deaths, when there are reasonable grounds to suspect that the death was not due to natural causes. In the case of suspicious death, the dispatcher shall be notified at once.
- (8) In cases where the victim is dead or in serious condition as the result of gross negligence or the commission of a felony or serious misdemeanor, the ranking member at a crime scene shall arrange for material or essential witnesses to be transported to headquarters for interviews. Material or essential witnesses are those persons who have information relevant to substantial matters and are believed to be indispensable to the investigation.

- a. In the event these witnesses refuse to cooperate, officers should consult with a supervisor of the bureau or division responsible for the investigation or, in his/her absence, a supervisor in their own chain of command.
 - b. Colorado has no material witness statutes. Therefore, this is primarily a matter of using diplomacy to induce the witness to cooperate. Short of a subpoena, we may not force a witness to appear at headquarters or submit to an interview.
- (9) The Ranking Member, (as defined by 501.01) at the crime scene of a serious crime shall exclude from the crime scene area all unauthorized persons and those who are not actually engaged in its investigation. Members of the Department who are off-duty or on-duty, but not assigned to the case investigation, shall not enter the crime scene or do anything that may interfere with the investigation. They further shall not alter physical evidence in any respect, provided, however, that the ranking member may assign such personnel to immediate duty, when necessary. Only with the permission of the ranking member of the investigation team, can persons not engaged in documentation process be allowed into an active crime scene. Section 301.01, (2)f will be complied with as it pertains to the wearing of the proper safety apparel and being recorded on the "Crime Scene Log."

The Ranking member at the crime scene shall ensure the following:

- a. It is understood that the process of security a crime scene requires that the area be searched for victims, witnesses and suspects. This process shall be accomplished with crime scene integrity and evidence protection in mind. Once this initial procedure has been completed, the crime scene must be evacuated and secured for processing.
- b. The crime scene, as best as practical, will be maintained in the condition in which it was found at the time of the first responding officer's arrival. Nothing will be moved, changed, or altered to ensure the accuracy of video and/or still photography documentation.
- c. Once crime scene security has been established, any first responder(s) entering an active crime scene will be protected, as a minimum, by wearing nitrile gloves, which shall be made available through the Crime Laboratory Detectives. Additional levels of personal protection may be required with more critical scenes, such as those involving large amounts of blood, hazardous materials, and/or fragile evidence.
- d. Any person(s) entering a Major Crime Scene (as defined in OMS 301.03) will be provided with instructions on the responsibilities while in the crime scene and documented as having entered and received these instructions by way of notation on the "Crime Scene Log."
 - 1. Any major crime scene will have the critical parameter secured by way of R&D crime scene tape. Members of the Crimes Against Persons and Crime Laboratory Bureaus have this tape available for use. This RED line will exclude from this critical portion of the crime scene, all but the personnel necessary for processing the crime scene.
 - 2. The "Inner Parameter" designation will require all who enter to wear safety apparel as may be dedicated by the type of crime scene and the ranking member of the Criminal Investigation Division. Investigative personnel responsible for processing the crime scene complete an investigative report; every other person who enters the inner parameter will be required to complete a written statement detailing their actions while in this parameter.
 - 3. All other crime scene parameter areas will be secured with YELLOW crime scene tape.
- e. The first responding officers will document, by way of observation and note taking, any item(s) disturbed, moved or destroyed as a result of the emergency response to the crime scene. These notes and observations will be reduced to writing in the officer's statement and forwarded to the investigating detective prior to going off-duty.
- f. All crime scenes will be examined and processed using standard investigative protocol; maintaining crime scene integrity. Serious crimes, including but not limited to; death investigations, officer involved incidents, sex crimes investigations, serious aggravated assault investigations, and catastrophic incidents, where several officers may be involved, will have a "Crime Scene Log" scribe assigned at the crime scene entrance (outer parameter), to document all those present in the crime scene. Upon completion, this log will be forwarded to the investigating detective assigned to the case.

- g. Evidence in a crime scene may not be immediately identified. It is important that nothing be touched until laboratory detectives/personnel have made a thorough search for evidence, including, but not limited to: fingerprints; blood; other body fluids; hairs; fibers; substance; article; or other trace material requiring scientific examination. In situations where inclement weather, natural disaster or other situation exists that may endanger evidence at the crime scene, all reasonable efforts will be made to maintain the evidence in the condition that it was found. Should these efforts prove ineffective, the evidence will be immediately collected and secured. Should a safety hazard exist, follow the procedure outline in (i) below. In any situation where evidence required movement or restaging prior to documentation, the collecting officer will note the current location and condition of the evidence prior to collecting. In addition, the collecting officer will place the evidence in the Property Bureau to limit and maintain the chain of custody. The officer who moved or changed the condition of the evidence will denote this activity in their written statement.
 - h. Anything found in or near the crime scene, or on a suspect, which would require scientific analysis to be used as evidence, shall be taken to the Property Bureau or Crime Scene Mobile Crime Laboratory and properly packaged for later examination by the Crime Laboratory. Crime Scene evidence will be collected in accordance with OMS 106.07.
 - i. Many crime scenes, such as domestic violence, minor assault, and burglary investigations, are processed and documented by members of the Patrol Divisions. When the Crime Laboratory is called to a crime scene, that crime scene will be documented by Crime Laboratory personnel.
 - j. The Ranking Member at a crime scene where dangerous drugs, drug manufacturing equipment, explosives, or any other dangerous or hazardous material is present or suspected, will contact the appropriate qualified experts to assist with crime scene processing and evidence collection.
 - k. All reasonable effort will be made to maintain the crime scene and included evidence in its condition at the time of discovery; however, when the ranking member does not have complete control of a crime scene and a weapon (e.g., firearm, knife or bludgeon) poses a hazard to the safety of the officer or others, the weapon can be collected and secured. The officer who recovers this or any evidence will place the evidence into the Property Bureau to maintain and limit the chain of custody.
 - l. Unless directed by the ranking member at the crime scene, officers will not take photographs when the Crime Laboratory is available to photographically document the crime scene. When officers, other than Crime Laboratory detectives, photograph any portion of the crime scene or in any way document evidence, these photographs and documentation instructions will be immediately turned over to the detective assigned to the investigation for inclusion into the case file.
 - m. In accordance with OMS 106.08, officers shall not take photographs for personal use at a crime scene.
- (10) The decision to hold or release the crime scene will be made by the Investigating Bureau Commander in concurrence with Crime Laboratory Director or their respective designee. If the decision is that the crime scene is to remain secured; the respective District Patrol supervisor will be advised and officers will be posted at the crime scene until processing of the crime scene is completed.
- (11) Only the Division Chief of Investigations will authorize the release of a crime scene related to any officer involved incident where death or gravely serious injury has occurred.

301.02 Interrogation of Suspects

- (1) When a suspect is in custody and to be questioned, the officer will advise the suspect of his rights as described on Advisement Form, DPD 369. It is preferred that the advisement be in writing on Advisement Form, DPD 369. If that is not practical or the form is not available, the advisement may be verbal. See OMS 302.10.
- (2) Any statement made by a suspect following a proper advisement is admissible and should be recorded immediately. Statements and admissions may be recorded in the following ways.
 - a. The suspect may write his own statement.
 - b. The officer may write the statement.

- c. The statement may be recorded on audio tape.
- d. The statement may be recorded on video tape.

301.03 Major Crime Event Investigation

- (1) General information: major crime events are those which involve a large number of resources; attract intense media attention; impact the department or its personnel; or cause or may cause great public outcry.
- (2) Events within this section shall include, but are not limited to the following:
 - a. Kidnapping (18 and over)
 - b. Child abduction (under 18)
 - c. Missing children
 - d. Missing persons where foul play may be suspected
 - e. Disaster, which is part of the investigative responsibility assigned to the Crimes Against Persons Bureau
 - 1. Major industrial accidents
 - 2. Massive crime scenes regardless of the criminal event
 - 3. Multiple case investigations
- (3) Officers who are dispatched to, or discover any situation fitting any single criterion will evaluate the incident as quickly as possible. Appropriate medical aid and assistance shall be provided immediately. If a suspect is at the scene and if probable cause exists the officer shall make an arrest, processing the subject according to OMS 104.04. If probable cause is lacking, a Crimes Against Persons Bureau investigator should be consulted prior to the subject's release from the scene. Once completed, the officer shall request, through the dispatcher, the resources necessary to secure the crime scene, interview witnesses, protect evidence or further the investigation.
 - a. Crime scene management shall follow the procedures outlined in OMS 301.01
 - b. Officers shall conduct the investigation using appropriate investigative procedures.
 - c. Notifications through the communications bureau shall follow the procedure outlined in OMS 105.03 (1) a.
- (4) The dispatch supervisor shall notify the crimes against person commander or designee, who will evaluate the situation and direct the appropriate investigative response. The commander or designee may request the assistance of any department resource, or those of an outside agency. These resources may include, but are not limited to.
 - a. Tactical response
 - b. K-9 assistance
 - c. Fire department
 - d. Public works
 - e. Public service
 - f. Underwater search and rescue
 - g. Specialized search animals
 - h. Outside forensic scientists
 - i. FBI or other federal agency
- (5) Investigative protocol shall follow standard practice. Notifications through the Communications Bureau will follow the procedure outlined in OMS 105.03(1)b.
- (6) In cases where death has occurred, evidence exists that indicates death is apparent, or the probability of death is high, the homicide unit shall have the primary investigative responsibility.

REV. 10-07

- (7) Other cases may be assigned at the discretion of the commander of the Crimes Against Persons Bureau or designee.
- (8) All reports, statements or other documents shall be processed in accordance with standard investigative practice.
- (9) Questions regarding any other procedures to follow shall be directed to a member of the Crimes Against Persons Bureau.

301.05 Deleted

301.06 Phone "Break-Ins" - Investigation (Reference C.R.S. §18-4-201)

- (1) When a telephone in a booth or boothette is broken into, either inside or outside a structure, the offense will be class 3 burglary.
- (2) The Crime Lab should be notified if the possibility of fingerprints exists. If an arrest is made or is imminent, photographs should be taken of the booth or boothette.
- (3) When officers respond to or observe a theft or burglary of an outside telephone booth or boothette and the complainant or a representative of U.S. West Communications cannot be found, they shall:
 - a. Make the report giving the "Name of Victim" (person or firm) as U.S. West Communications.
 - b. List under "Address of Victim" (person or firm; 1005 17th St.)
 - c. List under "Person Reporting this Offense, Relationship"; Special Agent.
 - d. Under "Home Address of Person Reporting this Offense", this part of the form will be left blank and will be filled in by the Detective Bureau.
 - e. List under "Business Address of Person Reporting this Offense", 1005 17th St.
 - f. Leave the space for "Complainant's Signature" blank.

301.07 Deleted

301.08 Telephone Crimes

- (1) For the purpose of this section, the following definitions apply:
 - a. Obscene: A patently offensive description of intimate sexual acts or solicitation to commit intimate sexual acts.
 - b. Telephone harassment: Making at least five telephone calls or causing a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or making repeated communications at inconvenient hours.
- (2) If the suspect is known and can be identified, the dispatcher will send a car to handle the complaint via completion of a GSS&C Warrant, DPD 236. See OMS 104.07.
- (3) A police officer will be dispatched if the suspect is not known but:
 - a. The victim is subjected to a bomb threat; or
 - b. The victim is a Public Official; or
 - c. The victim is in an imminent life-threatening situation or other criminal action is threatened; or
 - d. The caller makes any comment, request, suggestion, or proposal by telephone which is obscene and the complainant has trapped the call using *57.
 - e. If the victim has received five (5) or more harassing telephone calls which have been successfully trapped by use of *57, enabling the probable identification of the call, an officer will be sent to complete a General Offense report, DPD 250.
- (4) The complainant should be directed to contact the Assault Unit supervisor at 720-913-6050 to resolve any specific problems.

- (5) This section does not apply to intimidation of a witness or victim, which is a felony under C.R.S. §18-8-704.

301.09 Deleted

301.10 Deleted

301.11 Bicycles taken in Burglaries or Thefts

- (1) Whenever a bicycle is taken in a burglary or theft, a copy of the report will be sent to the Bicycle Section.
- (2) All information relative to the bicycle's description and numbers shall be given the Bicycle Section so a record can be made of the theft.
- (3) Reports of bicycle thefts without suspects may be taken by telephone. Reports called in to the District Stations will also be taken by telephone. If the bicycle is taken and another crime is involved, such as robbery or burglary, a district car must be sent to make an investigation and report.

301.12 Theft - Shoplifting and/or Price Switching

- (1) Violations under \$500.00
 - a. Shoplifting/Price Switching violations under \$500.00 will be handled using the appropriate City Ordinance. Violations of City Ordinance Sections 38-51.5, Shoplifting, and 38-51.7, Price Switching, apply only to the theft of items displayed or in any manner offered for sale, including theft of meals or gasoline.
 - b. If a suspect is arrested and the total retail value of the merchandise is under \$500.00, the suspect shall be charged by the arresting officer with 38-51.5, Shoplifting, or 38-51.7, Price Switching, on the General Session Summons and Complaint (GSS&C). Do not charge the suspect with "Investigation."
 1. The arresting officer will provide complete details of the offense and all other pertinent information, such as names and addresses of any witnesses, on the reverse side of the GSS&C.
 2. A sales representative, buyer or any other person familiar with the value of the article(s) taken must be endorsed as one of the witnesses.
 - c. The suspect is to be ordered in if the suspect:
 1. Has adequate, positive identification with a good photograph.
 2. Is not a transient.
 3. Has no pending wants or warrants.
 4. Has no other charges resulting from this incident which require jailing.
 5. Gives the officer no reason to believe that he/she will not appear in court.
 6. Is not known to the officer to be an habitual shoplifter.
 - d. If the suspect is ordered in, a Field Contact Card, DPD 305, will also be made.
 - e. If the above criteria are not met, the suspect shall be jailed. If the suspect is jailed, in most cases the "Jail, Bond Not Required" box shall be checked on the GSS&C. When a bond is not required, the suspect will be released after processing.
 - f. The victim (merchant) may retain and dispose of the item(s) involved in the theft if this evidence procedure is carefully followed.

1. The merchant is to furnish two (2) good quality Polaroid color photographs taken by store personnel which show the item(s) taken and the eyewitness(es) to the theft. When possible, the suspect is to be included in the photographs. The suspect must give permission to be photographed. Black and white photographs are unacceptable.
2. On the back of each photograph, the merchant must furnish the date and time the photo was taken and the name of the suspect.
3. Both photographs shall be retained by the merchant. The names of witnesses who can testify to the details of the photograph shall be endorsed on the GSS&C.
4. A Statement, DPD 366, will be completed and retained by the merchant. The Statement will include this information:
 - a. The name, address and telephone number of the person taking the photograph.
 - b. The full name (legal corporation name), address and telephone number of the victim.
 - c. The retail price as shown on the price tag of each item stolen.

[g. When a suspect in a theft under \$500.00 is known and the identity has been verified, but the suspect is not at the scene, a GSS&C Warrant, DPD 236, shall be completed and processed as in OMS 104.07.

h. Gas Drive-Offs will be handled via counter report in accordance with OMS 102.05(18).

[(2) Violations of \$500.00 to \$1,000.00

[a. Shoplifting/Price Switching violations between \$500.00 to \$1,000.00 will be handled using State Statutes.

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1. Prepare a General Offense report, DPD 250, showing the name of the store as the victim, such as Foley's, Macys, etc., and state the store's address.
 2. List all items taken in detail and state the retail value of each.
 3. Statements from all parties involved must be taken by the arresting officer.
 4. Witnesses to be endorsed must include the store's buyer.
 5. A letter to the Shoplifting Unit must be written by the arresting officer.
 6. The case will be filed by the assigned detective charging violation of C.R.S. §18-4-401.

b. Two photographs of the evidence are acceptable for court in all misdemeanor case filings. Photographs must be in color and placed in evidence. All perishable items must be photographed by the Crime Lab.

[c. If a suspect is arrested and the total value of the merchandise taken is \$500.00 or more but less than \$1,000.00, the officer will charge the suspect with "Investigation Theft (Misdemeanor)" on a GSS&C and complete a Misdemeanor Processing Form.

[(3) Violations of Over \$1,000.00

a. Prepare a General Offense report, DPD 250, showing the name of the store as the victim, such as Foleys, Macys, etc., and list the store's address.

b. The arresting officer will charge the suspect with "Investigation Theft (Felony)" on a GSS&C and complete a Felony Processing Form.

c. If a suspect is arrested for Felony Theft and has been convicted of Felony Theft from a store twice or more in the preceding four years, he/she is to be processed for mandatory sentencing by the assigned detective. The detective will charge the suspect under C.R.S. §18-4-401. The District Attorney Complaint Deputy is to be notified of the previous convictions at the time the case is presented for acceptance.

(4) Juvenile Shoplifting Offenders

[a. Misdemeanor Violations (Under \$1,000.00)

1. If a juvenile suspect meets the criteria outlined in OMS 402.07(2) and (3), and has been cleared through the Communications Bureau Clearance Channel, the arresting officer may order the juvenile directly into court, using the Juvenile Summons and Complaint.
 2. If the juvenile suspect, for whatever reason, does not meet the criteria in OMS 402.07(2), a General Offense report, DPD 250, and Juvenile Case Summary will be completed and the suspect will be transported to the Property Crimes Bureau, Investigative Support Unit, for processing. If after hours, process through Juvenile Intake.
 3. The evidence in misdemeanor shoplifting arrests will be handled as described in OMS 301.12(1)f.
- b. Felony Violations (\$1,000.00 and Over)
1. The arresting officer will complete a General Offense report, DPD 250, Juvenile Case Summary and take statements from all involved witnesses.
 2. Evidence seized in felony shoplifting arrests will be taken to the Property Section.
 3. Juveniles arrested for felony shoplifting must be transported to the Property Crimes Bureau, Investigative Support Unit, for processing. If after hours, process through Juvenile Intake.

301.13 In-Custody Incident Investigations

(1) General Procedures

a. Definitions

1. Law Enforcement Officer

- a. Any peace officer as described in C.R.S. §16-2.5-101, and certified by the peace officer standards and training board (P.O.S.T.). This will include non-certified deputy sheriffs as described in C.R.S. §16-2.5-103(2).
- b. For purposes of this section, 'federal law enforcement officer' means the following persons who are employed as full-time law enforcement officers by the federal government and who are authorized to carry firearms while performing their duties and make a forcible arrest when necessary:
 1. Federal Bureau of Investigation special agents;
 2. Bureau of Alcohol, Tobacco and Firearms special agents;
 3. Drug Enforcement Administration special agents;
 4. United States Secret Service special agents;
 5. United States Immigrations and Customs Enforcement (ICE) officers;
 6. United States Postal Service inspectors;
 7. Internal Revenue Service special agents;
 8. United States Marshal's Service marshals and deputy marshals.

2. Law Enforcement Custody

- a. Law Enforcement custody will include, but is not limited to; all care, custody, or control circumstances where law enforcement is present whether the individual is restrained or not.
- b. In circumstances where a person is in the custody of law enforcement in the City and County of Denver and rendered or found unconscious, officers shall immediately notify the Communications Bureau. The landline telephone is the only way an officer can communicate with the dispatcher in confidence. The Communications Bureau records all telephone and radio transmissions for later use in an investigation. The dispatcher will notify the following person(s) as required:

1. Ambulance
 2. Sufficient patrol coverage
 3. The on-duty district Commander
 4. The on-duty/on-call homicide and/or general assignment detectives
 5. The Crime Laboratory
- c. Activities related to the unconscious person are as follows:
1. Use appropriate first aid.
 2. Remove the person to a hospital if the possibility of life exists.
 3. An officer shall accompany the person to the hospital. This officer shall take note of any statement made, take possession of clothing or other evidence, and protect personal property.
 4. Place a hold order if the person is a suspect and notify the Denver Sheriff's Department.
 5. Should the person die, follow the additional procedures outlined in OMS 301.14(8).
- d. The ranking officer at the scene is immediately responsible for crime scene protection. The responsibilities include but are not limited to:
1. Protect the crime scene using appropriate methods.
 2. Determine what has occurred through officer and civilian witness statements.
 3. Ask general questions of the involved officer(s) at this time and only if necessary to locate evidence or secure the crime scene. Formal statements may be taken later at the discretion of the Commander of the Crimes Against Persons Bureau or designee.
 4. Provide the dispatcher and responding detectives with all available information.
 5. Assist and follow the directives of the ranking officer of the Criminal Investigation Division in compliance with section 13.12.
 6. Prepare an After Action report, DPD 286, ensuring that a copy is routed to the Homicide Unit. Attach a copy of the personnel detail(s) for all districts of other units, which covered the scene for that day.
 7. Ensure the completion of a Use of Force Report, DPD 12.
 - a. Use the front of the form to report the appropriate information. The narrative shall detail the event
 - b. Attach a copy of the After Action report, DPD 286, to the Use of Force report, DPD 12. Forward the original Use of Force report, DPD 12, to the Internal Affairs Bureau, with one copy to the Bureau/District Commander and one copy to the respective Division Chief.
 8. Ensure that all officers who respond to the scene or assist in any way submit individual statements detailing their duties and observations to the Homicide Unit prior to going off duty.
- e. The investigation of an in custody situation shall follow the procedures outlined for officer involved shootings, OMS 105.03(5). Abbreviated procedures will be at the discretion of the Division Chief of Criminal Investigations or designee.
- f. In all situations where the subject attempts suicide while in custody, whether transported to a medical facility or not, a Homicide Unit Supervisor will be notified.
- g. Direct all questions regarding any of the procedures to follow to a member of the Homicide Unit.

301.14 Investigation where Death has Occurred

- (1) General Information

- a. At the scene of a fatal traffic accident the traffic investigator is authorized to direct the removal of a body or bodies from the scene by DHMC ambulance or other city contracted ambulance services, prior to arrival of the Coroner or Coroner Investigator, where it is apparent the cause of death resulted from an automobile accident. When evidence at the scene of the traffic fatality indicates foul play or that the cause of death resulted by some other agent, (exception: apparent heart attack) officers will notify the Homicide Unit Supervisor.
- b. Officers will notify the Coroner's Officer when handling any call or scene where they find bodies. See OMS 301.14(9) for procedures to call out the Coroner or Coroner Investigator.
- c. Officers shall not inventory the personal property on the body found at any scene or search the body for any reason. This is the responsibility of the Coroner or Coroner Investigator, and officers shall await their arrival. The officer must proceed immediately to the Coroner's Office to obtain from the Coroner or Coroner Investigator a list of the effects and any other data, such as to identification, money, jewelry, and personal effects
- d. Under normal conditions at a traffic fatality, victims pronounced DOA by the ambulance attendant at the scene, will remain at the scene unless officers obtain prior permission from the Coroner or Coroner Investigator. However, conditions may exist where the body is in public view, which would make it necessary to expedite the removal. Under no circumstances will officers move or have moved the body of the victim of any crime or suspected crime of violence without first consulting the Coroner and a Homicide Unit Supervisor.
- e. With respect to traffic fatalities, the commanding officer at the scene from the district or bureau responsible for the investigation shall have the authority to order such emergency removal of a body, when in their opinion the health and safety of the public or an officer is in jeopardy.
 1. The commanding officer shall immediately notify the Coroner's Office of their action.
 2. Adequate precautions must be taken to protect evidence at the scene, i.e., point of impact, position of victim, and/or other evidence.
 3. When practical and possible, officers at the scene should draw an outline of the body's position with a crayon or chalk before removal.
 4. Officers will consult the Coroner and the Homicide Unit Supervisor when requesting the removal of any victim not associated with a traffic fatality.
- f. When officers locate deceased persons in places other than streets, officers shall endeavor to have some relative, or other person present as a witness at all times for their own protection against any false accusations, which may arise later providing that such attendance does not interfere with the normal investigative process.

(2) Homicide

- a. Follow general investigation procedures as listed:
 1. Call for necessary assistance, such as an ambulance, the Coroner or Coroner Investigator an investigator from the Homicide Unit or Crime Lab personnel
 2. Make a General Offense, DPD 250, Continuation Report, DPD 255, Sick and Injured Report, DPD 150, and other reports that are necessary.

(3) Suicide

- a. Same procedure used in homicide investigations and shall include the following:
 1. Officers will treat suicide notes, if any, as evidence. Investigating officers at the scene should not touch the notes. Compliance with this condition allows the Crime Lab personnel at the scene to process them. If, for any reason, they are touched inadvertently or moved to protect them from destruction, officers will place notes or suspected notes into the Property Section as evidence (See OMS 106.02.). Officers will under no circumstances attach the notes to the General Offense Report, DPD 250, nor include the contents of the notes in the body of the report.
 2. When investigating officers cannot obtain the note or letter for any reason they will:
 - a. Include the reason(s) for not recovering the note in their statements
 - b. Relate the contents of any note to the investigating detectives, OR

- c. In the absence of any covering detectives, officers will write the contents of any note on an Inter-Departmental Correspondence, DPD 200, and forward it in a sealed envelope to the Homicide Unit.
- 3. In cases where there is any doubt regarding notes or other written documents pertaining to the matter under investigation, officers will handle such documents as legal evidence.
- b. Officers will adhere to these procedures in instances of attempted suicide:
 - 1. Make a General Offense Report, DPD 250, and a Sick and Injured Report, DPD 150, listing the person who attempted suicide as the "victim."
 - 2. Officers will make an Emergency Mental Illness Report, DPD 340, and have the victim taken to Denver Health Medical Center for evaluation and/or treatment. See OMS 104.30.
 - 3. Officers will not list the person attempting suicide as the suspect, nor will they be placed into the Pre-arraignment Detention Facility (PADF) for "attempted suicide" only.
 - 4. If the "victim" committed any other criminal act that requires jailing, officers will make a General Offense Report, DPD 250, detailing the Attempt Suicide and obtain a separate case number.
 - 5. If there are any questions regarding the procedure to follow on an individual case basis, officers will contact a member of the Homicide Unit for advice.

(4) Accidental Deaths

- a. For traffic deaths, see Traffic Procedures, Series 200.00.
- b. In cases of death caused by fire, industrial accident or drowning, and all other incidents involving a death or serious injury where death might result:
 - 1. Upon arrival at the scene of a death, other than a death by natural causes, the investigating officers shall immediately notify the dispatcher who shall notify the Homicide Unit.
 - 2. The ranking officer from the Investigation Division present at the scene shall be in complete charge regardless of the rank of the officers present from other divisions or agencies.
 - 3. If there is any question regarding the notification, officers will contact the Homicide Unit for their decision to respond or not.
 - 4. Complete all required reports: General Offense Report, DPD 250, (known or unknown death), Continuation Report, DPD 255, and Sick and Injured Report, DPD 150.

(5) Sudden Infant Death Syndrome (SIDS)

- a. Upon notification/determination of an infant/child's death officers, will respond to the treating medical facility to interview the attending physician regarding the circumstances of death.
 - 1. If the child's death appears to be under suspicious circumstances or evidence of abuse, neglect, or mistreatment is apparent, the following procedures will apply:
 - a. Follow general investigation procedures as listed.
 - b. Call for necessary assistance, i.e. Coroner or Coroner Investigator an investigator from the Homicide Unit, and Crime Laboratory personnel.
 - c. Ensure the security of the scene for-processing in accordance with current investigative standards. Identify all potential witnesses (parents, siblings, childcare providers, medical personnel, and doctors). Ensure that each completes a written Statement, DPD 366.
 - 2. In all instances of a child's death, the following procedure will apply:
 - a. Complete a General Offense Report, DPD 250, Continuation Report, DPD 255, Sick and Injured Report, DPD 150, and any other reports pertinent to that particular investigation.

- b. Officers will investigate calls relating to a child not breathing in the following manner:
 - 1. Officers will determine the location of the child and respond to the scene or, if transported, to the care facility. Officers will determine a prognosis from the treating physician/paramedic. Should an unfavorable prognosis for the child exist, notify the Homicide Unit immediately of the situation. The investigating officer shall also inform their supervisor. Officers will secure the transport vehicle, if other than an ambulance, as well as the original crime scene, until a Homicide Unit Supervisor makes a determination as to the level of their response.
- (6) Under normal conditions at the scene of a suspected natural death, paramedics or ambulance attendants will not remove victims pronounced dead from the scene without prior permission from the Coroner or Coroner's Investigator. However, conditions may exist where the body is in public view, which would make it necessary to expedite the removal. Under no circumstances will officers move or have moved the body of the victim of any crime or suspected crime of violence without first consulting the Coroner and a Homicide Unit Supervisor.
- (7) The commanding officer at the scene of a suspected natural death from the district or bureau responsible for the investigation shall have the authority to order such emergency removal of a body₇ when in their opinion, the health and safety of the public or an officer is in jeopardy.
- a. The commanding officer shall immediately notify the Coroner's Officer of their action.
 - b. Officers must take adequate precautions to protect evidence at the scene, i.e., point of impact, position of victim, and/or other evidence. See OMS 301.01, Crime Scene Procedures.
 - c. If removal of the body occurs and when practical and possible, officers at the scene should draw an outline of the body's position with a crayon or chalk before removal.
 - d. Officers will consult the Coroner and the Homicide Unit Supervisor when requesting the removal of any victim not associated with a suspected natural death.
 - e. Officers must ensure that crime scenes and evidence are not contaminated. Such contamination includes, but is not limited to:
 - 1. Covering the body.
 - 2. Moving or altering a firearm.
 - 3. Changing the position of any piece of evidence.
 - 4. Restaging evidence previously removed.
- (8) In custody death investigations
- a. Definitions: refer to OMS 301.13(1)a.
 - b. When a person in the custody of law enforcement in the City and County of Denver has died, or critical injury to a person has resulted from a law enforcement action, in addition to the personnel listed in OMS 301.13(1)b, the Communications Bureau staff shall cause the notification of the following person(s):
 - 1. The on-duty/on-call Homicide Supervisor
 - 2. The Commander of Crimes Against Persons Bureau
 - 3. The Division Chief of Investigations
 - 4. The District Attorney
 - 5. The Division Chief of Patrol
 - 6. The Deputy Chiefs of Administration and Operations
 - 7. The Commander of the Internal Affairs Bureau
 - 8. The Public Information Officer
 - 9. The Chief of Police

10. The Manager of Safety
11. The involved officer's Commander
12. The involved officer's Division Chief
13. The Coroner's Office

c. In addition to the procedures outlined in OMS 301.13(1)d, 108, the ranking officer at the scene will have these responsibilities:

1. When a death has occurred, assign an officer to make a General Offense Report, DPD 250, titled known or unknown dead, depending on the status of the victim's identity.
2. Assign an officer to accompany the person to the hospital when transporting a victim. This officer shall take possession of clothing or other evidence and protect personal property.

d. Suicide and In-Custody Death Investigations

1. The investigation of an in-custody death shall follow the procedures outlined for officer involved shootings, OMS 105.03 (5).
2. Should an in-custody subject die after the use of the ERD/Taser, the ERD/Taser will be secured as evidence and submitted to an independent laboratory for testing to ensure proper functioning. This is in addition to the procedure outlined in 105.02(4)e4, Less Lethal ERD/Taser Deployment.
3. In cases of suicide or attempted suicide while in law enforcement custody, follow this same procedure. Abbreviated procedures shall be at the discretion of the Commander of the Crimes Against Persons Bureau or his/her designee. As follows:
 - a. When the suicide is successful, a General Offense Report, DPD 250, titled "suicide".
 - b. When the suicide attempt is unsuccessful, complete a General Offense Report, DPD 250, titled "Attempt Suicide."
 - c. OMS 301.14(3)a and b outlines the procedures for the investigation of suicide or attempted suicide..

e. Direct questions regarding any of the procedures should be directed to a supervisor of the Homicide Unit.

(9) Call-Out Procedures for the Coroner

- a. When an unattended death occurs within the City and County of Denver, the Coroner is required to respond in accordance with CRS §30-10-606.
 1. Officers will not call the Coroner or Coroner Investigator directly to the scene without an initial scene evaluation.
- b. Officers called to a death scene will notify the Coroner or Coroner Investigator through the Combined Communications Center.
- c. Upon contact, the Coroner Investigator will make a preliminary telephonic death investigation to determine jurisdiction.
 1. When there is no jurisdiction, the Coroner's Office will carry the case as "Inquiry – No Scene Response" and label the case complete.
 2. Detectives assigned the investigation will contact the Public Administrator to assess any family/human services needs.
- d. When Coroner jurisdiction exists, the Coroner will characterize the case as either a "waive" or a "Coroner case."
 1. A waive case may or may not require a scene response at the discretion of the Coroner or Coroner Investigator.
 2. A circumstance designated as a Coroner case will usually require a scene response by the Coroner or Coroner Investigator.

3. The Coroner or Coroner Investigator will determine whether to respond to a scene.
- e. If specifically requested by law enforcement within the City and County of Denver, the Coroner Investigator will proceed to the scene

301.15 Notification of Crimes Against Persons Personnel (Call-Out)

- (1) The Crimes Against Persons Bureau is staffed from 0730 to 1700 hours and from 1900 to 0300 hours daily.
- (2) After normal working hours, a detective and supervisor from each unit are available on a call-out basis.
 - a. Requests to call out detectives will be made by the Patrol Division Sergeant through the Communications Bureau. This procedure will ensure that the Patrol Sergeant is aware of serious incidents and will verify the necessity for the call-out.
 - b. It will be the responsibility of the Crimes Against Persons personnel to notify the next level in their chain of command in unusual cases or if additional resources are required.
- (3) Whenever the death of a human being occurs as a result of a police action, the Commander of the Crimes Against Persons Bureau will be notified. The only exception will be traffic-related deaths which are handled in accordance with OMS 203.03(2). This notification will be in addition to all other appropriate and necessary notifications.

301.16 Known Dead Offense Reports

All reports of known deads or accidental deaths shall be made on a General Offense report, DPD 250.

301.17 Aggravated Assault Cases

- (1) Call for necessary assistance, i.e., an investigator from the Assault Unit.
- (2) Due to the possibility that any serious aggravated assault may eventually become a homicide, the investigating officer and the detective assigned will obtain statements from all witnesses, collect all physical evidence and information without delay.

301.18 Assault/Disturbance Cases

- (1) If an officer determines that an assault, as defined by City Ordinance, has been committed, and he is able to determine the identity of the suspect through information provided by the victim or witnesses, he will proceed as outlined in OMS 104.07.
- (2) General Offense reports, DPD 250, will be completed only when the suspect is not known or cannot be identified.
- (3) Detectives investigating misdemeanor assault cases will have each case reviewed by a District Attorney prior to filing charges as defined in OMS 302.02.

301.19 Deleted

301.20 Deleted

301.21 Accidental Shootings

- (1) All accidental shootings shall be reported on a General Offense report, DPD 250.
- (2) Investigating officers shall follow the procedures outlined in OMS 301.17.

301.22 Robbery Reports

- (1) General Offense Reports, DPD 250
- a. The victim of a robbery is any person from whom anything of value is taken.
 - b. The store or business name may be referred to following the victim's name for clarification. Example: Doe, John (7-11 Store).
 - c. Should more than one person be victimized during the commission of a robbery; this constitutes a single criminal offense. Officers taking the General Offense report, DPD 250, for such cases shall make only one report and include the names of all victims and witnesses.
 - d. General Offense reports, DPD 250, in the following circumstances shall be HAND-CARRIED to the Records Section after being approved by a supervisor:
 1. All business robberies;
 2. Robberies in which the victim receives serious bodily injury as a result of the robbery, or shots are fired;
 3. Robberies in which a suspect has been arrested;
 4. Robberies in which any person has been ordered-in;
 5. All robberies where the loss is in excess of \$15,000;
 6. Any robbery which is likely to become newsworthy.
 - e. The amount of loss shall not be listed on the General Offense report, DPD 250, for any business robbery or robbery where the loss exceeds \$500.00. The loss in these instances will be detailed in the officer's statement.
- (2) Victims/Witnesses
- a. Victims of a robbery who are transient or cannot provide a legitimate home address shall be ordered-in to the Robbery Unit for the following morning at 9:00 a.m.
 - b. When a victim or witness is visiting locally and lives outside the Denver Metro Area or out of state, the reporting officer shall determine if there is a local address and/or phone number where they can be contacted. Should a local number be unavailable, officers shall obtain all contact information from the victim or witness for later contact by the detective.
 - c. Addresses and phone numbers of victims and witnesses are required on all General Offense reports, DPD 250. This information is confidential and not available to the public or the media.
 - d. Written statements from all victims and witnesses are required. If a statement is written, by the officer, for the victim or witness, it should be written verbatim, as told by the victim or witness. Answers to questions should also be written verbatim.
- (3) Scene Investigation
- a. Officers shall make every effort to determine if there are any witnesses (on scene and through neighborhood survey), to the robbery event. Witnesses shall be interviewed and written statements obtained. Officers shall make every effort to obtain identifying information from witnesses who are unwilling to complete statements or submit to interview. Information related to witnesses will be sent with the investigative package to the investigating detective for later follow-up.
 - b. Officers shall attempt to locate any evidence that may be linked to a suspect at the scene or during his flight there from.
 - c. Should video surveillance cameras exist that may have recorded the robbery and there is a means to view the video tape at the scene, officers shall first remove the recording tab from the video tape before attempting to view the tape. The tape may then be viewed to determine the suspect description and if the suspect may have touched any printable surfaces. The recovering officer shall note any discrepancies between the video tape date and time and the actual time. The video tape will then be placed into the Property Bureau as evidence.
- (4) Impounded/Recovered Vehicles

- a. A robbery hold will not be placed on any vehicle unless the hold is in relation to a specific robbery case.
- b. When a vehicle is impounded with a hold for robbery, a written statement detailing the circumstances of the robbery and the reasons for the hold shall be forwarded to the Robbery Unit. All documents prepared as a result of the hold will contain the case number of the related investigation.
- c. When a vehicle is impounded for any other reason and officers suspect that the vehicle may have been involved in a robbery (i.e.: a gun, mask, cash, etc., are found in the vehicle) a statement detailing these suspicions shall be completed and forwarded to the Robbery Unit. No hold for robbery shall be placed on vehicles matching this criterion without the permission of a Robbery Unit Detective.
- d. If an unoccupied vehicle, wanted in connection with a robbery, is recovered, officers shall conduct a neighborhood survey to determine if there are witnesses who may have seen the person(s) who parked or abandoned the vehicle. This information shall be forwarded to the Robbery Unit on the Inter-Department Correspondence form, DPD200.

(5) Arrests

- a. When a suspect is stopped, based on a clothing description given by a victim or witness, and is subsequently arrested, the suspect's clothing must be taken and placed in the Property Bureau as evidence. If practical, photographs of the suspect should be taken prior to taking the clothing. Cameras can be obtained from District Supervisors for this purpose, or if unavailable, the Crime Lab can be requested for photographs.
- b. In addition to (5) a., when a suspect is arrested away from the scene, their clothing description, at the time of arrest, should be detailed in the officer's statement. The clothing description provided by the victim at the time of the robbery will be listed on the General Offense report, DPD 250.
- c. When a show-up is conducted on the street, the victim and/or witnesses must be brought to the suspect's location. All witnesses should view the suspect separately and their comments listed in the officer's statement. Regardless of whether a suspect identification is made or not made, the fact that a show-up was conducted must be documented. The process will be documented by way of Inter-Departmental Correspondence form, DPD 200, detailing the name of the subject(s) viewed, and the names of the victim(s) and witness(es) who viewed the show-up. This letter will then be forwarded to the Robbery Unit.
- d. When there are multiple suspects and/or witnesses, officers must carefully interview the witnesses after the show-up in order to accurately describe which witnesses identified which suspects, and what the individual suspects' roles in the robbery were. This process will be documented as described in 301.22 (5) c.

(6) Contacting Robbery Detectives

- a. A Robbery Unit Supervisor shall be contacted, regardless of time of day, for any of the following circumstances:
 - 1. Any bank robbery;
 - 2. Any traveling jewelry courier robbery;
 - 3. Any robbery that appears to be part of an on-going pattern
 - 4. Any arrest where the suspect is believed to be involved in an on-going pattern investigation;
 - 5. Any robbery involving serious bodily injury to the victim;
 - 6. Any robbery where shots are fired, whether or not injury occurs.
 - 7. Any robbery involving a dollar loss in excess of \$15,000;
 - 8. Any "take down" or "take over" robbery (i.e., bar or club patrons are ordered to the floor and systematically robbed).
 - 9. Any home invasion robbery.
 - 10. Any robbery/kidnapping.

11. Any time that an officer feels that contacting a robbery detective is necessary.
- b. Officers having questions regarding the procedures to follow regarding a Robbery Investigation should contact any Crimes Against Persons Supervisor or Robbery Unit Detective.

301.23 Sexual Assaults

(1) Introduction / Protocol

The Denver Police Department recognizes that law enforcement is often the first agency contacted by a sexual assault victim. The response of the patrol officer, among others, will influence the victim's cooperation in the entire investigation/adjudication process. A positive experience with the police response can impact the victim's recovery. The Denver Police Department is committed to setting a positive tone by which a victim will be supported through the investigative process. To facilitate this commitment, the Denver Police Department supports and adheres to the following procedures that are reproduced from the "Interagency Council's Sexual Assault Response Protocol", signed into effect in November of 1995.

(2) Initial Response

- a. Determine the need for medical care and level of response. See OMS 102.09.
- b. If a suspect is at the scene and if probable cause exists, make an arrest and process as in OMS 104.04. If sufficient probable cause is lacking, order the suspect in to see a sex crimes detective. See OMS 301.23(6).
- c. If the suspect is gone, a description will be obtained and aired.
- d. Assess the situation and determine if a sexual assault detective needs to respond. The Sex Crimes Unit Supervisor or on-call detective is available through the Communications Bureau twenty-four (24) hours a day. The Sex Crimes Unit supervisor will determine the need for response. Sex Crime Unit personnel will be called in the following situations.
 1. All burglary/sexual assaults
 2. In cases where the victim is still missing and there is any indication the victim was taken against their will, refer to OMS 308.14, Kidnapping Cases and OMS 308.16, Denver Police Department Missing or Abducted Child Response. The on-call Missing and Exploited Persons Unit supervisor should be contacted immediately through the Communications Bureau.
 3. Stranger-to-stranger, sexually-motivated child abductions. If the victim is still missing, the Missing and Exploited Persons Unit supervisor should be contacted immediately through the Communications Bureau.
 4. Investigations which require search warrants. Officers are reminded that any sexual assault which occurs at a place where the offender may have proprietary interests will require a search warrant.
 5. Any case where the officer or supervisor needs advice or assistance.
 6. Crime scene/evidence procedure
- e. If there is a crime scene, call for the Crime Lab to respond. The crime scene will be preserved until the arrival of the Crime Lab. If a Sex Crimes Unit detective is responding, the detective will make notifications to the Crime Lab. The Crime Lab must be notified in ALL cases of burglary/sex assaults.
- f. Officers should advise victims that items of evidentiary value will be taken and placed in the Property Section for analysis by the Crime Lab. This may include items such as clothing and bed sheets.
 1. Any of the victim's clothing that may contain evidence (semen, pubic hair or fibers) will be placed in separate paper evidence bags and transported to the Property Section.
 2. The officer will remove any bed sheets or other articles which may contain a semen stain as a result of the sexual assault. These articles should be placed in separate paper evidence bags.

- (3) Sex Assault exam
- a. Determine how recent the sexual assault was and therefore, the need for a sexual assault examination. Although some evidence such as semen may only remain for up to 72 hours, a doctor may be able to document trauma corroborating the victim's statements. If in doubt, or if the time frame is close, have the examination done. In cases where penetration was not made, semen and other bodily fluids may still be present. The victim should be taken to DHMC for medical examination and recovery of this evidence (i.e. swabs of the victim's mouth or body that may reveal traces of semen or saliva).
 - b. The officer will explain the evidentiary value of the sexual assault exam and encourage the victim to undergo the exam.
 - c. The officer will advise the victim to take a change of clothes to the hospital. If this is not possible, the hospital has a limited supply of clothes they will give the victim.
 - d. The officer will transport or have the victim transported to DHMC.
 - e. The officer will advise the victim that he/she will incur no costs for the sexual assault examination.
 - f. Upon arrival at the hospital, the officer will notify the Emergency Department clerk that the victim is ready for the exam, sign the Laboratory Report for Sexual Assault, DPD 383, and turn the victim over to hospital personnel.
 - g. Upon completion of the exam, the hospital may contact the Communications Bureau and request that an officer provide transportation home for the victim. Officers providing this service will check the victim's residence to ensure safety.
- (4) General Offense Report, DPD 250, and other paperwork
- a. Whenever possible, General Offense reports, DPD 250, should be taken before the victim is transported to the hospital. In situations requiring that the report be made at the hospital (i.e. victim transported from scene for medical reasons or victim is reporting to the police from the hospital), the officer should conduct the interview in a private room.
 - b. Officers completing the General Offense report, DPD 250, will include enough elemental information in the narrative for Records Section personnel to know what type of sexual assault is being reported. This information is necessary to assist them in placing the correct Versatern code on the report. Such information will include the relationship between the suspect and the victim if known, and the specific type of sexual assault. All sexual assault reports also require a letter to the Sex Crimes Unit that will include more detailed information about the assault than is required in the General Offense report, DPD 250.
 - c. Officers will obtain a written statement from the victim and all witnesses.
 - d. The victim's injuries and the full name of the examining physician will be included in the General Offense report, DPD 250.
 - e. Prior to approving General Offense reports, DPD 250, supervisors will insure that the Crime Lab and Sex Crimes Unit has been notified in all appropriate cases.
 - f. All sexual assault General Offense reports, DPD 250, will be hand carried immediately to the Records Section.
- (5) Order-ins
- a. Victims should be ordered in for 9:30 a.m. If the suspect is in custody, any related order-ins should be for the following day, including holidays and weekends. If the suspect is not in custody, all order-ins should be for the next business day.
 - b. Sexual assault suspects should be ordered in at least one hour later than the victim.
- (6) Officers responding to sexual assault calls need to be aware that sexual assault victims experience a host of fears and anxieties as a result of being victimized and those concerns must be addressed by the patrol office. Reassuring the victim of his/her immediate safety and clearly explaining reporting procedures and initial investigative steps will assist in alleviating these fears.
- a. Officers will request the services of the Victim's Assistance Unit unless directed otherwise by a Detective from the Sexual Assault Unit.

- b. When the initial patrol response is to the hospital, officers will conduct victim and witness interviews in a private area
- (7) Detectives assigned the investigation of a sexual assault will make themselves familiar with the Sexual Assault Response Protocol and will adhere to the following:
- a. Victims will be contacted immediately, upon assignment of the case, and will be periodically updated on the status of their cases. At the conclusion of the investigation, the assigned detective will inform the victim of the outcome. Contacts and attempted contacts of the victim should be well documented by the investigator in the Supplementary Report.
 - b. Investigations will be conducted in a timely manner. The Sex Crimes Sergeant will be kept up to date on any investigation requiring an extended period of time.
 - c. Detectives wishing to use the polygraph of a victim as an investigative tool will obtain concurrence of the Sex Crimes supervisor. Detectives will familiarize themselves with the Polygraph Protocol.
- (8) Kidnappings and attempt kidnappings involving victims who are under the age of 18, shall be assigned to the Sex Crimes Unit, in the Crimes Against Persons Bureau, for investigation.
- a. Any Report of kidnapping or attempt kidnapping of a minor child, where the victim has been found, will be immediately reported to the Sex Crimes Unit and the General Offense report, DPD 250, will be hand carried under procedures outlined in 301.01 (4) c. During off-hours, the on-call sergeant from the Sex Crimes Unit will be notified through the communications Bureau call-out procedures.
 - b. See OMS 301.23(2)d. 2, Stranger to Stranger sexually motivated child abductions 308.14(4), Child Custody Disputes, Parental Kidnapping.
 - c. In cases where the victim is still missing and there is any indication the victim was taken against their will, refer to OMS 308.14, Kidnapping Cases and 308.16, Denver Police Department Missing or Abducted Child Response. The Missing and Exploited Persons Unit supervisor should be contacted immediately through the Communications Bureau.
 - d. C.R.S. §18-3-305(1) defines enticement of a child:
 - “A person commits the crime of enticement of a child if he or she invites or persuades, or attempts to invite or persuade, a child under the age of fifteen years to enter any vehicle, building, room, or secluded place with the intent to commit sexual assault or unlawful sexual contact upon said child. It is not necessary to a prosecution for attempt under this subsection (1) that the child have perceived the defendant's act of enticement.”

Officers responding to the scene of a child enticement, or suspected child enticement, shall immediately contact the Sex Crimes Unit or if after hours, the on-call Sex Crimes Supervisor. Sex Crimes Unit personnel will evaluate the incident and determine the requirement of an investigative response to the scene. Officers shall maintain any crime scene in accordance with OMS 301.01.

301.24 Counterfeit and Altered U. S. Currency

- (1) Officers receiving calls concerning altered currency shall observe these procedures:
- a. Do not make a Denver Police Department General Offense report, DPD 250. These violations are within the jurisdiction of the U. S. Secret Service.
 - b. If there is a definite investigative lead present, notify the Secret Service immediately via telephone at 303-850-2700. It will be requested that a Secret Service agent will be dispatched to the scene to handle the complaint.
 - c. If there is no investigative lead present:
 - 1. Confiscate the counterfeit or altered currency and mark it as evidence. See OMS 301.01 (9). The officers may give the complainant a receipt for the item(s) confiscated.

2. Write a brief letter describing the circumstances of the incident. Be certain to include all relevant information.
 3. Seal the bill and the letter in an envelope and address it to: U.S. Secret Service, 5619 DTC Pkwy, Suite 400, Greenwood Village, CO 80111.
 4. Place the sealed, addressed envelope in the inter-department mail for postage.
- (2) Officers contacting suspects:
- a. If the suspect has two or more counterfeit or altered bills, notify the Secret Service immediately and an agent will be requested to respond to the scene.
 1. If the Secret Service advises they will not respond and will not prosecute the case, the Financial Crimes Unit should be contacted. If appropriate, suspects shall be charged with Forgery or Possession of a Forged Instrument and processed according to OMS 303.05.
 2. Forged currency shall be placed in the Financial Crimes locked evidence box only if criminal charges are pending and only if the Secret Service has been notified.
 - b. If the suspect has only a single counterfeit or altered bill, confiscate the bill, complete a Street Check form, DPD 305, and forward both the Secret Service as outlined in OMS 301.24(1)c.
- (3) The Secret Service telephone number, 303-850-2700, is answered by an agent twenty-four (24) hours a day. Officers are encouraged to call this office for any assistance or information they may require regarding suspicious bills and similar situations.

301.25 Investigative Hypnosis

- (1) No member of the Denver Police Department will use hypnosis on a subject in their official capacity until receiving written approval of the Commanding Officer of the Crimes Against Persons Bureau.
- (2) Hypnosis will only be performed in relation to an official case which is brought to the attention of the Police Department.
- (3) All hypnosis subjects must voluntarily sign an official Waiver of Liability Hypnosis Release form, DPD 311. In the case of a juvenile, a parent or guardian must also sign the waiver.
- (4) No member of the Denver Police Department may utilize Investigative Hypnosis unless a Department trained Investigative Hypnotist is present.

301.26 Deleted

301.27 Notification of Burglary/Theft Detectives on Unusual Cases

- (1) During the off duty hours, detectives of the Burglary/Theft Section are available for advice and assistance.
 - a. When needed, they can be contacted at the request of a supervisor through the Communications Bureau.
 - b. The detective contacted will be responsible for determining the appropriate response to the situation.

301.28 Deleted

301.29 Naming of Denver Police Officers as Suspects in Criminal Cases

- (1) Officers will not take General Offense reports naming police officers as suspects but shall refer such cases to the Internal Affairs Bureau.
- (2) IAB personnel shall conduct an investigation and determine if a General Offense report is warranted.

- (3) If cases of a serious nature arise at times other than during regular office hours (8:00 a.m. through 4:00 p.m.), and a delay is impractical, a supervisor assigned to IAB will be contacted by the investigating officer's supervisor.

301.30 Intimidating or Bribing a Witness or Victim and/or Tampering with a Witness or Victim

- (1) Officers will complete a General Offense report, DPD 250, and obtain written statements from involved parties. The General Offense report will be titled "Intimidating a Witness (or Victim)" with the original crime placed in parenthesis. Example: Intimidating a Witness (Auto Theft)
- (2) The case will be investigated by the investigative unit that filed the original criminal case, with the following exceptions that will be investigated by the Crimes Against Persons Bureau:
 - a. Where the victim or witness is a Peace Officer, Correctional Officer, Elected Public Official, Judicial Officer, or Juror.
 - b. Where the victim or witness suffers serious bodily injury in association with victim or witness intimidation.
 - c. When the original charges were filed by another jurisdiction or were a Denver Revised Municipal Code (DRMC) violation.
 - d. Any intimidation of a victim or witness involving a Domestic Violence incident. These cases will be handled by the Domestic Violence Investigations Unit.

301.31 Case Closure Designations

- (1) When an investigator completes an investigation, there are several ways that the case may be closed. Each closure must be thoroughly documented and supported by the information contained within the supplemental report. There are five concluding denotations a case investigation may receive;
 - a. Cleared by Arrest
 - b. Exceptionally Cleared
 - c. Warrant Issued
 - d. Unfounded
 - e. Inactive-Not Cleared
 - f. With the exception of the designation Inactive-Not Cleared, all other designations will be considered clearances for statistical purposes.
- (2) **Cleared by Arrest:** The Denver Police Department will report that an offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is:
 - a. Arrested; and
 - b. Charged with the commission of the offense; and
 - c. Turned over to the Court for prosecution
 - d. Each of the above listed conditions must be met for the case to qualify as Cleared by Arrest. It is further noted that a case may have a single or multiple arrests. Irrespective, to the number of arrests, the case only counts as one clearance.
- (3) **Exceptionally Cleared:** Cases may be cleared using exceptional means due to the existence of circumstances that prevent the Denver Police Department from arresting and formally charging an offender. To clear a case exceptionally, the following criterion must be met;
 - a. The offender has been identified; and
 - b. Sufficient evidence exists to support and arrest, determine a charge, and prosecute the case in court; and
 - c. The offender's current location is known so that an arrest could be effected immediately if necessary; and

- d. Circumstances beyond the control of the Denver Police Department exits which prohibits the arresting, charging and prosecution of the offender.
 - e. Circumstances existing in an exceptional clearance case include, but are not limited to;
 - 1 Death of the offender. When an offender is killed or dies after the issuance of a warrant, or sufficient probable cause exists to affect an arrest.
 - 2 Prosecution declined. For reasons other than lack of probable cause.
 - 3 Extradition denied. Offender will not be extradited because of financial considerations, or other agency declines the extradition.
 - 4 Victim refuses cooperation. Declines to testify or pursue charging of the offender.
 - 5 Juvenile offender-No custody. Handled by means other than charging the juvenile offender.
 - 6 Excepted by justifiable means in the law. Justifiable homicide, affirmative defenses.
- (4) **Warrant Issued:** This designation is given to cases where a suspect has been identified and probable cause exists to arrest the offender. Under Uniform Crime Reporting standards (UCR) this is an Inactive case. There are three arrest warrant classifications;
- a. Probable Cause Warrant
 - 1 This warrant is issued by a County Court Judge based on an Affidavit provided by a law enforcement officer supporting the elements of a crime and showing probable cause supporting that the named offender is responsible.
 - b. At Large Warrant
 - 1. This warrant is issued by a County Court Judge based on an Affidavit provided by a law enforcement officer supporting the elements of the crime. Additionally, the District Attorney has filed charges against the named offender supporting their ability to convict the offender of the named charges beyond a reasonable doubt.
 - c. City Charges
 - 1. Denver city ordinance violations can be cleared with the warrant issued designation when a General Sessions Summons and Complaint (GSS&C) warrant is issued.
- (5) **Unfounded:** At the conclusion of a thoroughly examined investigation, a determination is made after considering all of the known facts and evidence and these facts can be reasonably articulated that no crime has occurred, the case will be closed as unfounded as to a crime. This will include crimes that that have been shown to exist, however, venue cannot be established and will therefore be unfounded as to a crime in the City and County of Denver.
- (6) **Inactive-Not Cleared:** When all known and possible investigative leads have been evaluated, analyzed, and exhausted and no further investigation can continue without new or additional information, the case will be inactivated. Cases closed with an inactive designation will be so carried until new information is identified or developed or the statute of limitations for the offense expires.

