

304.00 - VICE/DRUG CONTROL BUREAU

The enforcement of vice and drug control laws is the responsibility of all Denver Police Officers. However, in the event of specialized and/or covert investigations dealing with vice/drug related offenses, it shall become the responsibility of the Vice/Drug Control Bureau.

Prior to an investigation being conducted by other personnel of the Denver Police Department, it shall be the responsibility of the officers or their supervisors to notify the Vice/Drug Control Bureau. This required notification will prevent duplication of effort and promote the safety of all officers concerned. This includes all narcotic stings, undercover buys, controlled buys, reverse operations, search warrants, prostitution stings, liquor license inspections and any other operation which would be classified as vice or drug related.

The following procedures will acquaint the officer with ways of dealing with vice/drug control violations.

304.01 Controlled Substances

- (1) Arrests (Refer to C.R.S. §16-3-102)
 - a. The majority of controlled substance arrests made by uniformed officers result from the arrest of a suspect for other charges and the subsequent recovery of controlled substances. All officers should, therefore, familiarize themselves with the laws of search and seizure found in the C.R.S. §16-3-101 through §16-3-201.
 - b. With the exception of arrests made for marijuana under one ounce, when a suspect is arrested for Investigation of Possession, Sale or Use of a Controlled Substance, the suspect and all related paperwork must be processed through the Narcotics Unit. All paperwork must be reviewed and stamped by a vice/drug control detective. When a vice/narcotics detective is unavailable, the case will be reviewed by the officer's supervisor.
- (2) Evidence - General Procedures
 - a. Maintain sole custody of any recovered substance until it is deposited in the Property Section.
 - b. Dangerous drugs/narcotics will be sealed inside a plastic evidence bag, separate from all evidence. Heat-seal the top after initialing and dating the bag. The sealed bag will then be placed in the appropriate sized Property/Evidence envelope, DPD 23, or box and seal the envelope/box with evidence tape. Initial the evidence tape. An exception is made for freshly picked marijuana which must be packaged in paper. The bag/box will be sealed with red evidence tape and initialed.
 - c. Complete the Property Invoice and Receipt, DPD 122, and place the evidence in the Property Section. It will be the responsibility of the assigned vice/narcotics detective to have the evidence analyzed after reviewing the case with the Complaint D.A.
- (3) Offense/Incident Report - These general guidelines should be adhered to when making an Offense/Incident Report for a controlled substance case.
 - a. What led the officers to make the initial arrest? (Probable Cause)
 - b. Who found the controlled substance? (Officer's Name)
 - c. Exactly where was the controlled substance found? For example: left front shirt pocket OR under front seat, driver's side OR in residence, right drawer of desk in living room.
 - d. Incriminating oral statements made by the suspects after being verbally advised must be quoted in the statement of the officer who heard the statements. All formal statements will be made on the Statement Form, DPD 366.
 - e. Which officer initialed and dated the evidence? The officer taking the evidence to the Property Section is to be listed in the Offense/Incident Report. If more than one officer is involved, it is advisable that the evidence be sealed in the presence of the officers concerned.
 - f. The evidence listed in the Offense/Incident Report should correspond numerically to the items listed on the Property Invoice & Receipt, DPD 122.
 - g. The State of Colorado is listed as the victim on the Offense/Incident Report in controlled substance violation.

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- (4) All related paperwork shall be left at the Narcotics Unit. When the Unit is closed, all paperwork shall be placed in a completed Felony/Misdemeanor Arrest Envelope, DPD 130, and left in the Records Section.
- (5) Case Reports and Court Attendance
- a. A complete file of all controlled substance reports is kept in the Narcotics Unit. The investigating detective will make all necessary reports available to the arresting officers prior to a court appearance.
 - b. Controlled substance arrests necessitate frequent appearances in court for preliminary and suppression hearings and the final trial. All pertinent information which may be required as testimony in court regarding the arrest and seizure of evidence should be listed in the Offense/Incident Report and Statements.
- (6) Marihuana Arrests
- C.R.S. §18-18-406(1) states any person who possesses not more than one ounce of marihuana commits a Class 2 Petty Offense and no Offense/Incident Report is necessary. If there are no other offenses present, charge and order the suspect into court on the General Session Summons and Complaint. If assistance is needed in determining what charges are to be placed, contact a vice/narcotics detective for assistance.
- a. In all arrests for marihuana under one ounce, the evidence shall be handled as in a controlled substance arrest. A Laboratory Analysis Request is not needed. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
 - b. Public display of marihuana - C.R.S. §18-18-406(3) - applies to smoking marihuana in a public place or publicly displaying it in any way. Follow the same procedure as that for possession of less than one ounce of marihuana.
 - c. Possession of marihuana over one ounce, but less than eight ounces, is a misdemeanor for first violations under the provisions of C.R.S. §18-18-406(4)a. A check with the Narcotics Unit will be needed before filing charges. See OMS 304.01(1).
 - d. Dispensing marihuana less than one ounce as defined in C.R.S. §18-18-406(5) is the same class offense as possession under one ounce.
 - e. Dispensing marihuana over one ounce or dispensing any amount of marihuana concentrate is a felony under the provisions of C.R.S. §18-18-46(7).
 - f. Possession of eight ounces or more of marihuana or any amount of marihuana concentrate is a felony under the provisions of C.R.S. §18-18-406(4)(b).
- (7) Unlawful Possession of an Injection Device and/or Possession of Drug Paraphernalia
- a. When an arrest is made for the violation of the Possession of an Injection Device, place the injection device in the Property Section AS EVIDENCE and charge the suspect with Unlawful Possession of an Injection Device, Denver Revised Municipal Ordinance 38-173. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
 - b. When an arrest is made for the violation of the Possession of Drug Paraphernalia, place the paraphernalia in the Property Section AS EVIDENCE and charge the suspect with unlawful Possession of Drug Paraphernalia, C.R.S. §18-18-428. A copy of the completed Property Invoice and Receipt, DPD 122, will be attached to the "City Attorney's Copy" of the General Sessions Summons and Complaint. A laboratory analysis of the evidence will be requested by the City Attorney IF the defendant pleads not guilty.
- (8) Juvenile arrests for controlled substances will be handled by the Narcotics Section in compliance with established juvenile procedures. Any evidence seized will be handled as outlined in OMS 304.01(2).
- (9) Fraud and Deceit to Obtain Controlled Substances
- a. If the suspect is present when the officer arrives, detain the suspect until verification is made through the pharmacist that the prescription is forged, stolen or altered.

1. If the prescription is forged, stolen or altered, the suspect will be arrested for Fraud and Deceit to Obtain Controlled Substances. An Offense/Incident Report will be made titled "Fraud and Deceit to Obtain Controlled Substances".
 2. If the pharmacist has filled the prescription prior to the officer's arrival, and the suspect has the controlled substance in his possession, the suspect will be charged with Possession of Controlled Substance and Fraud and Deceit to Obtain Controlled Substances. An Offense/Incident Report shall be made and titled "Fraud and Deceit to Obtain Controlled Substance" and "Possession of a Controlled Substance".
 3. The prescription and any drug obtained from the prescription will be initialed and dated by both the arresting officer and the pharmacist and placed in the Property Section as evidence. The officer must give the pharmacist a receipt showing that the prescription has been taken as evidence.
 4. In all Offense/Incident Reports, list the name of the pharmacist who received the prescription, the name of the person who verified with the doctor that the prescription was forged, stolen, or altered and the name of the doctor whose signature was forged.
 5. After processing the suspect using the arrest/intake procedures outlined in OMS 104.01 (24), the arresting officer will photocopy the prescription, the arrest slip, the advisement form, and then forward these to the Narcotics Unit. The original prescription will be placed in the Property Section as evidence.
- b. If the suspect is not present when the officer arrives and the identity of the suspect is not known, do not make an Offense/Incident Report. Seize the prescription as evidence and place it in the Property Section. Forward a letter immediately to the Narcotics Unit. The letter should contain the date, time, name of the pharmacy, name of the pharmacist, name of the doctor, a description of the suspect, and whether or not the prescription was filled.
- (10) Possession and/or Introduction of Contraband (Controlled Substances and Marihuana only) into a Detention Facility
- a. The investigating officer must complete the following:
 1. Arrest slip (G.S.S. & C.) charging the suspect with Investigation Possession and/or Introduction of Contraband into a Detention Facility.
 2. Felony Processing forms on all defendants for the appropriate offenses.
 3. Offense/Incident Report titled "Possession and/or Introduction of Contraband into a Detention Facility".
 4. Detailed statements from all Deputy Sheriffs, officers, and witnesses involved in the recovery of evidence, documenting the chain of custody.
 5. Advisement forms on all defendants
 - b. If the suspect is already a prisoner at the County Jail, leave the completed arrest slip and Felony Processing form with the sheriffs and the suspect will be scheduled on the next available bus to the P.A.D.F.

If the suspect is not in custody at the County Jail for another offense, then the investigating officer must transport the suspect to the P.A.D.F. for booking.
- (11) Body Cavity and Strip Searches. See OMS 104.01(8).
- (12) Drug Court Area Restrictions Arrests
- a. Persons who are subjects of "area restrictions" will be entered into the CCIC system by the Denver District Attorney's Office. Officers who get a hit on CCIC for this violation are to arrest the individual for probation violation, (C.R.S. §16-11-205), and bring the suspect to the Identification Bureau for confirmation of the area restriction. On the MCTs, the violation will initially be found under the corrections client format – "CCL".
 1. The arresting officer shall complete a General Sessions Summons and Complaint including in the probable cause, confirmation of the area the court restricted and the observations of the subject's actions. The officer shall complete a one page statement.

2. If the subject is in violation of another charge, the officer shall complete a second GSS&C and probable cause statement listing the second charge.
3. The original GSS&C shall be left with the detention facility sheriff. The **District Attorney's copy of the GSS&C/s and the officer's statement shall be placed in interdepartmental mail to: VICE/NARCOTICS – D.A. INTAKE – 3rd floor headquarters. DO NOT MAIL DIRECTLY TO THE D.A.'s OFFICE.**
4. During weekday hours, call (303) 640-7478 and leave a message for D.A./Greg Long that the subject has been arrested for an area restriction violation. For after hours and weekend arrests the on-call phone number of (303) 640-9707, should be used.

304.02 Liquor Violations Procedures

- (1) Any action on licensing violations as outlined in this section shall be reported to the Vice/Drug Control Bureau for proper action. Arrests or citations for licensing violations should not be made without contacting a supervisor or the Vice/Drug Control Bureau. It is not necessary for officers to notify the Department of Excise and Licenses of liquor code violations, as these notifications will be made by Vice Detectives.
 - a. All requests for assistance from the detective assigned to the Director of Excise and Licenses shall first be directed to a Vice/Drug Control Bureau Sergeant.
- (2) General Rules and Regulations Governing Liquor Outlets:
 - a. Conduct of establishments
 1. Each licensee shall conduct their establishment in a decent, orderly, and respectable manner and shall not permit within or upon the licensed premises the loitering of habitual drunkards or intoxicated persons, lewd or indecent displays, profanity, rowdiness, undue noise or other disturbance or activity offensive to the senses of the average citizen or residents of the neighborhood in which the establishment is located.
 2. Violations or suspected violations of this regulation of the Colorado Liquor Code will be reported to the Vice/Drug Control Bureau on Interdepartmental Correspondence. Details, such as verified names and addresses of all parties involved, including employees, managers and/or owners present during the violation, and names of officers or complainants will be included in the letters.
 - b. The licensed premise, including any places of storage, where alcoholic beverages are stored or dispensed shall be subject to inspection by peace officers during all business hours for the purpose of inspection and investigation or for the examination of inventory. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay per Colorado Liquor Code.
 - c. Gambling Prohibited
 1. No licensee shall allow illegal gambling on a licensed premise.
 2. If a violation is observed, seize evidence, identify the participants, and order the licensee to appear in the Vice/Drug Control Bureau. The charge of gambling has to be proven to charge the establishment with a violation. With the Order-In of the licensee, include a letter detailing the offense with names of participants and employees present. The Vice/Drug Control Bureau and/or the Department of Excise and Licenses will take the appropriate action.
 - d. Removal of Liquor from Premise
 1. No licensee, manager or agent of any establishment licensed for on-premises consumption shall permit the removal of any alcoholic beverage in sealed or unsealed containers.

2. This regulation is directed at the establishment. Discretion should be used when deciding to cite or arrest the party removing liquor from the premises. Positive identification of the party removing the liquor shall be obtained along with a verified address. The evidence shall be seized and placed in the Property Section. The person(s) permitting the violation shall be ordered to appear in the Vice/Drug Control Bureau.
- e. Unlawful sale of Liquor
1. It is unlawful to sell, serve, give away, dispose of, exchange or deliver, or permit the same of malt, vinous, spirituous liquor, or 3.2% beer to any person under the age of twenty-one (21), or to a visibly intoxicated person. It shall be unlawful to sell to anyone during the hours prohibited by law.
 2. This law is directed at the licensee and their employees. Do not arrest the intoxicated party for a violation of this section, unless you have other charges.
 3. Attempt to determine who served the intoxicated party. Obtain positive identification and address, and make a visual sobriety evaluation of the intoxicated person. Include physical appearance, breath walk, speech, appearance of eyes, and any other observations which would indicate the intoxication of the party.
 4. Include all the information obtained above in a letter to the Vice/Drug Control Bureau along with the license information and the names of all employees present and their actions. Appropriate action against the licensee will be taken by the Vice/Drug Control Bureau.
- f. Age for Possession
1. It shall be unlawful for any person under the age of twenty-one (21) years to possess malt, vinous, spirituous liquor, or 3.2% beer in any store, in any public place, including public streets, alleys, roads or highways, or inside vehicles while upon the public streets, alleys, roads or highways.
 2. Persons in violation of this section should be cited or may be ordered-in to the Vice/Drug Control Bureau for Investigation Violation Colorado Liquor Code. The order-in must be accompanied by a detailed letter and Juvenile Case Summary if the violator is a minor.
 3. Seal any opened liquor and transport it to the Property Section.
 4. An Offense/Incident Report is required only if the arrest resulted from a bootlegging incident. See OMS 304.02(10) b.
- g. Purchase of Liquor by Misrepresentation of Age
1. Obtaining 3.2% beer or malt, vinous, or spirituous liquor by misrepresentation of age from any licensed establishment is a violation on the part of the person and not the establishment.
 2. If a person presents false identification, this should be seized as evidence along with the liquor purchased and placed in the Property Section.
 3. If the false identification appears adequate, obtain the name of the party and the establishment which sold to or served the party and include this information in a letter to the Vice/Drug Control Bureau.
 4. If the identification does not appear adequate, order the party who made the sale and the licensee into the Vice/Drug Control Bureau.
 5. The person making the purchase, at the discretion of the officer, can be arrested for Violation of Colorado Liquor Code or ordered-in to the Vice/Drug Control Bureau.
 6. When a person is ordered-in for this violation, a detailed letter on Inter-Departmental Correspondence, DPD 200, and a detailed Juvenile Case Summary, DPD 107, must be sent to the Vice/Drug Control Bureau if the violator is a minor.
- h. Establishing Age

1. A licensee or employees thereof are not required to obtain identification of age prior to the sale of alcoholic beverages, but do so at their own risk.
2. The Colorado Liquor Code rules and regulations state: Licensees may refuse to sell alcoholic beverages to any person unable to produce adequate, currently valid identification of age. The kind and type of identification deemed adequate under this section shall be limited to the following:
 - a. Colorado Operators License
 - b. Identification Card issued in accordance with C.R.S. §42-2-302
 - c. An operators, chauffeurs license, or similar type drivers license containing a picture issued by another state
 - d. Identification card containing a picture issued by another state for the purpose of proof of age
 - e. Military identification cards
 - f. Passport
 - g. Alien Registration card
3. Licensees or employees thereof are authorized to confiscate suspected fraudulent identification and turn it over to police.
 - a. If a suspect is not being detained, the complainant will be advised to mail the fraudulent identification and a note explaining the circumstances to:

The Manager of Excise and Licenses,
Attn: Detectives
200 W. 14th Avenue
Denver, Colorado 80204
 - b. If a suspect is being held, an officer will be sent and appropriate action will be taken.

i. Bootlegging

1. The sale of alcoholic beverages during the hours not permitted by law and without the proper City and State license is illegal.
2. If officers have evidence to prove the illegal sale or purchase of liquor, they should identify the persons involved, seize the evidence and arrest or order-in the persons involved. A letter detailing the facts of the violation should accompany the Offense/Incident report to the Vice/Drug Control Bureau.
3. Officers with information of possible illegal bootlegging activity who do not have sufficient evidence for an arrest should forward the information to the Vice/Drug Control Bureau.

(3) General Information and Procedures:

- a. All order-ins to the Vice/Drug Control Bureau should be made for 6:00 p.m., Tuesday through Saturday. A letter to the Vice/Drug Control Bureau detailing the incident must accompany the order-in.
- b. The only liquor violation for which an Offense/Incident Report is required is Bootlegging. If there are any questions, contact the Vice/Drug Control Bureau or a supervisor.
- c. When the evidence is suspected liquor it should be placed in the Property Section as evidence.
 1. Ice should be immediately removed from drinks to be held as evidence.
 2. Whenever possible leave drinks in their original containers. If they must be removed from the original containers, such as when in paper cups, place the paper cup in as evidence with the drink.
 3. The Property Section has parafilm to seal open bottles and glasses. Stretch parafilm over the opening and seal with tape. Initial this seal and seal in plastic bag. The custodian on duty will give directions in this procedure.

- d. Establishments licensed for consumption on premises require the observation of an illegal consumption for a liquor violation. Therefore, do not arrest if the person merely has liquor in his possession.
- e. No police officer, including vice officers, have the authority to order the closing of any liquor licensed outlet. An exception to this rule are outlets ordered closed by the Director of Excise and Licenses.
- f. It is only a violation of the Colorado Liquor Code to actually serve and consume an alcoholic beverage after serving hours. This does not give any officer, including a Vice/Drug Control officer, the authority to remove patrons from liquor outlets after legal serving hours.
- g. Reports or information received by any officer where action cannot be taken because of lack of evidence or other reason, shall be reported to the Vice/Drug Control Bureau by letter for further investigation.

304.03 Gambling

- (1) Due to the close relationship between professional gambling and other organized crime, the Denver Police Department will enforce city ordinances and state statutes in accordance with the legislative declaration contained in C.R.S. §18-10-101, which reads in part: "to restrain all persons from seeking profit from gambling activities in this state; to restrain all persons from patronizing such activities when conducted for the profit of any person; to safeguard the public against the evils induced by common gamblers and common gambling houses; and at the same time to preserve the freedom of the press and to avoid restricting participation by individuals in sport and social pastimes which are not for profit, do not affect the public, and do not breach the peace."
- (2) Colorado Revised Statutes, and Colorado Beer and Liquor Codes. See C.R.S §18-10-102 for all definitions related to gambling.
 - a. "Gambling" is defined under Colorado Law as follows: Risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking the risk has no control.
 - 1. Exceptions include: Bonafide contests of skill, speed, strength, or endurance in which awards are made only to entrants or the owners of entries; or
 - 2. Any game, wager, or transaction which is incidental to a bonafide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly in professional gambling.
 - b. "Professional Gambling" is defined as Aiding or inducing another to engage in gambling, with the intent to derive a profit therefrom, or participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one or more of the other participants.
 - 1. It often requires an undercover officer in the game to prove the elements outlined in professional gambling. Any officer with information or knowledge of professional gambling operations, short of that necessary for arrests, should contact the Vice/Drug Control Bureau which will lend the assistance necessary to further the investigation.
 - c. C.R.S. §18-10-103 through §18-10-107 makes it illegal to engage in professional gambling, possess gambling devices or records, transmit gambling information, or to keep a gambling premises (see these statutes for exact wording.)
- (3) Denver Municipal Ordinances
 - a. Municipal Ordinance 39-22(b) states, "It shall be unlawful for any person to participate in gambling, including social gambling, which is incidental to a bonafide social relationship, within any city park."
 - b. Municipal Ordinance 38-146 (a) states, "It shall be unlawful for any person to participate in gambling, including social gambling which is incidental to a bonafide social relationship, on any public street or way."
- (4) Arrests made for state statute violations

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- a. Call for assistance from the Vice/Drug Control Bureau which will respond when available.
- b. Take custody of and mark all evidence, note who had custody of the evidence when seized, where seized, etc., and place in the Property Section.
- c. Call the Crime Laboratory to take photographs of the evidence at the crime scene, if appropriate.
- d. Make an Offense/Incident Report, DPD 250, detailing the offense and write a letter to the Vice/Drug Control Bureau outlining the details of the offense which may not be included in the Offense/Incident Report, but may be helpful to the filing detectives. Include copies of arrest slips, custodian invoice numbers, etc. It is imperative that the detective assigned the case be given the most complete information possible.
- e. The suspect will be processed and jailed for investigation, specifying the state statute which has been violated.

(5) Arrests made for municipal ordinance violations

- a. Officers observing such gambling violations shall, at their discretion, charge all the parties involved in the gambling with City Ordinance 39-22(b), Gambling in Parks, or 38-146(a), Gambling.
- b. Evidence, such as money, cards, etc. shall be placed in the Property Section.
- c. Violators will be ordered-in or jailed at the officer's discretion.
- d. For assistance in enforcing these ordinances, contact the Vice/Drug Control Bureau or a supervisor.

(6) Procedures for violations of the Colorado Beer Code and the Colorado Liquor Code

- a. Contact the Vice/Drug Control Bureau for assistance.
- b. If unable to contact the Vice/Drug Control Bureau, follow the below procedures:
 - 1. Order-in all players to the Vice/Drug Control Bureau for 6:00 p.m., Tuesday through Saturday.
 - 2. Officers involved should make written statements and forward them with the order-ins to the Vice/Drug Control Bureau.
 - 3. Determine the identity of the manager(s) or person(s) in charge of the licensed establishment and order them in for the same time as the players.
 - 4. Do not make an offense/incident report. If one is necessary, it will be made by Vice/Drug Control Bureau personnel.

(7) Gambling confidence games, such as Three Card Monte, Three Card Molly, the Shell Game, the Figure Eight Chain Game, or any other gambling confidence game where the participant has absolutely no chance of winning are not covered by state or municipal gambling laws. These games are prohibited by state and municipal laws pertaining to robbery and theft and are investigated by the Vice Section.

- a. When a person loses money or any thing of value in a gambling confidence game, the following procedure applies:
 - 1. If the suspects are present:
 - a. If adult suspects are present, they will be arrested. The charge will be Theft (Gambling). They will be processed according to the theft offense bonding schedule.
 - b. Juvenile suspects present will be processed according to OMS 405.00, Detention Procedures, or OMS 407.00, Juvenile Order-Ins.
 - c. An Offense/Incident Report, DPD 250, will be made which includes positive identification of the suspect(s) and a formal statement by the victim.
 - d. DO NOT charge with Petty Theft, 38-51(8). This is a city ordinance and a misdemeanor. Theft (Gambling) may be a misdemeanor or felony, depending on the value of the property taken by the suspect.

2. If the suspects are not present:
 - a. Complete an Offense/Incident Report, DPD 250, titled Theft (Gambling).
 - b. Obtain a formal statement from the victim.
 - c. Both will be forwarded to the Vice/Drug Control Bureau for follow-up investigation.
3. Money, cards and any other evidence seized will be placed in the Property Section.
- b. If, during the gambling incident, money or a thing of value is taken from the victim, the Vice/Drug Control Bureau will investigate. The following procedure applies:
 1. If the money or thing of value was taken by means of force, threats or intimidation, an Offense/Incident Report, DPD 250, shall be made titled Robbery (Gambling). If the suspects are present, they shall be jailed for Investigation Robbery (Gambling).
 2. If the money or thing of value was taken by means other than force, threats or intimidation, an Offense/Incident Report, DPD 250, shall be made titled Theft from Person (Gambling). If the suspect(s) are present, they shall be jailed for Investigation of Theft from Person (Gambling).
- c. Victims of Confidence Games are often reluctant to admit involvement in actually playing the game as they feel they are part of the "crime". They are, however, victims rather than co-conspirators because they had no chance of winning.
 1. When the victim admits to playing the game, charge the suspects with Theft (Gambling).
 2. If the victim denies playing the game, the charge is Theft From Person.

304.04 Pornography

- (1) Legislation on and definitions of pornography change rapidly across the nation. Therefore, any officer who suspects the illegal sale, possession or production of pornography should advise the Vice/Drug Control Bureau which will act on the information in accordance with current legislation and inform the reporting officer of the action taken.
- (2) If an officer receives a complaint on pornographic literature, or sale of pornographic literature, they should refer the party to the Vice/Drug Control Bureau.

304.05 Bottomless and Topless Entertainers

- (1) The law most applicable to violations by topless and bottomless dancers is defined under public indecency. If an officer observes any violation of this section of the Municipal Code occurring in a licensed liquor establishment or any establishment licensed to do business by the City and County of Denver and/or State of Colorado, an attempt should be made to contact a Vice/Drug Control Bureau officer. If none is available, the incident should be reported to the Vice/Drug Control Bureau on Inter-Departmental Correspondence, DPD 200. Assigned personnel will then take the appropriate action against the licensee.
- (2) Section 38-157 makes the performance of an act of public indecency illegal. The definition of an act of public indecency is found under Section 38-156 of the Revised Municipal Code.
- (3) A recent court decision, pointed out that the mere charge of public indecency was vague and did not tell the person charged what they did that violated the ordinance. Therefore, it is necessary when filling out the General Sessions Summons and Complaint to do it as follows: "38-157 Public Indecency as defined by Section 38-156."

304.06 Prostitution or Procuring

- (1) Definitions:

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- a. Prostitution: Any person, either male or female, who performs offers, or agrees to perform any act of sexual intercourse, or any act of deviate sexual intercourse, with any person not the spouse of such person, in exchange for money or other thing of value, commits prostitution.
- b. Deviate sexual intercourse: Any act of sexual gratification between human beings who are not husband and wife, involving contact of the genital organ of one and the mouth or anus of the other.
- c. Patronizing a prostitute 38-158(7): It shall be unlawful for any person to engage in or offer or agree to engage in an act of sexual intercourse or deviate sexual conduct with a prostitute or to enter or remain in a place of prostitution with the intent to engage in an act of prostitution or deviate sexual conduct.

(2) Procedures for Uniform Personnel

- a. Uniform personnel may make stops and arrests for prostitution. Officers should use a great deal of discretion and follow the guidelines herein.
- b. Numerous court cases have spelled out guidelines for an officer to use to make the determination an act of prostitution is about to be committed. They are:
 1. A male, female or female impersonator known to the officer to have been previously arrested for soliciting for the purpose of prostitution or prostitution: strolling in an area known for a high incidence of prostitution; and contacting numerous parties.
- c. When the above facts are known to the uniform officer and he observes the suspect party picked-up, he should, if possible, remain undetected and allow the parties time to make a prostitution "deal". Remember that prostitution requires only the offer and/or agreement to commit an act of prostitution. Once the officer feels there is an agreement between the parties, he should stop and immediately contact the parties. The parties should be stopped prior to entering a private residence such as an apartment or house.
- d. Once contacted, the parties should be advised of their rights and the officer should advise them of the suspicions. If either party is willing to give a formal written statement which contains the sexual act offered and/or agreed upon, and the price, this constitutes grounds for arrest.
- e. The patron and prostitute should be charged directly on a General Session Summons and Complaint with the proper city ordinances. The arresting officer, with supervisory approval, has the discretion to jail or order-in the parties involved.
 1. The party who "solicited for prostitution" should be charged with 38-158(1).
 2. The prostitute should be charged with "prostitution", Section 38-158(7) and may also be charged with "soliciting for prostitution", Section 38-158(1).
 3. The party who patronized a prostitute may be charged with "patronizing a prostitute" 38-158(7).
- f. Although co-defendants cannot be compelled to testify against each other, arresting officers shall list the patron as a witness on the back of the prostitute's arrest slip and list the prostitute as a witness on the back of the patron's arrest slip.
- g. The following paperwork shall be sent to the Vice/Drug Control Bureau:
 1. Copies of the front and back of the City Attorney's copy of the General Sessions Summons and Complaint
 2. All statements and advisement forms
 3. A letter from the arresting officer detailing the incident
- h. The arresting officer's report and original statement will be kept in the Vice/Drug Control Bureau files and will be available to the arresting officer for court.
- i. Only Vice Bureau officers may issue a Health Order In to a person arrested for prostitution.
- j. A general Vice Bureau car should be requested, if available, for all prostitution arrests.

(3) Prostitution Area Restriction Guidelines

- a. Persons who are subjects of area restrictions will be entered into the CCIC system by the Denver County Court. The Denver County Court Warrants Division will maintain these records and provide status verification of all area restriction files.
 - b. Officers who observed an individual or suspect who may be in violation of a prostitution area restriction, or are in contact with a subject and receive a CCIC hit for a prostitution area restriction, must verify the status of the restriction with NCIC personnel.
 - c. If the restriction is valid, and the subject is physically located within the area of restriction without legal justification, the officer shall arrest and charge the individual with "Violation of Probation", Section 14-65. [Legal justification may include, but are not limited to, lawful employment, hospital or doctor visits, treatment center appointments or a written exemption issued by the court. If an exemption is granted by the court, the individual must have the court-ordered pass in their possession. Officers should exhaust all efforts to verify the validity of an individual's claim of a legal justification or exemption. If reasonable doubt exists about the individuals' claim, the subject will be detained. Statements made by the subject regarding these claims shall be included in the probable cause statement].
 - d. Following an arrest for an area restriction, the officer will transport the subject to the Identification Section at Police Headquarters. The arresting officer will obtain a computer generated copy of the area restriction from Identification Section personnel.
 - e. The arresting officer shall complete a General Sessions Summons and Complaint. IT IS IMPORTANT FOR OFFICERS TO ELIMINATE THE GD NUMBER LOCATED IN THE TOP RIGHT CORNER BY BLACKING IT OUT WITH A MARKER. In the "other violations" section, enter RMC 14-65; Violation of Probation, Prostitution Area Restriction. The probable cause section of the GSS&C should include confirmation of the area the court restricted, the exact location of the suspect when contacted and the arresting officer's observations of the suspect's actions.
 - f. If the suspect is in violation of another law, the officer shall complete a second GSS&C and probable cause statement listing the second charge.
 - g. The arresting officer shall make a photocopy of the GSS&C and computer generated copy of the area restriction, and then forwards these copies to the Vice Bureau Sergeant. Attach the original area restriction printout to the City Attorney's copy of the original GSS&C. The suspect will then be jailed with the original GSS&C.
- (4) Health Order-In (HOI) Arrests
- a. Only Vice Bureau officers may issue a Health Order In to a person arrested for prostitution. All other officers are authorized to arrest individuals that have failed to appear for a Health Order In. A list of those individuals that have failed to appear for a HOI is maintained by the Vice Bureau.
 - b. Officers who contact a person that appears on the HOI list should attempt to contact a general Vice officer for verification of that person's current status. If unable to locate a general Vice officer, call the Vice Bureau at 720-913-6060 and request a manual search of the Health Order In records for verification. In the event that verification cannot be established, release the person and document the contact on an Inter-Departmental Correspondence, DPD 200. Prior to the end of your assigned shift send the form through Inter-Departmental mail to the Vice Sergeant. **DO NOT ARREST AN INDIVIDUAL SOELY ON THE BASIS OF THEIR NAME APPEARING ON THE HOI LIST. CONFIRMATION MUST BE OBTAINED FROM THE VICE BUREAU PRIOR TO ANY ARREST.**
 - c. Upon verification of the person's current status on the HOI list, the prisoner is to be transported to Police Headquarters for processing. After securing the prisoner, respond to the Vice Bureau and ask a receptionist or Vice detective to retrieve the original #1 and #2 copies of the Health Order In. After receiving these documents, make photocopies of both onto one sheet and attach the photocopy to the City Attorney's copy of the GSS&C. The GSS&C shall be completed as follows:

Location of Offense	605 Bannock Street
Date & Time of Offense	Refer to the appearance date listed on the original HOI, and the time as 1600 hours.
Violation	Charge the person with Refusal to Submit to a Health Exam, Section 24-132(d)
Complainant	This line should list the Vice officer who served the Health Order In
Officer	Name of the arresting officer

- e. The officer shall complete all other necessary and relevant information on the GSS&C, and include in the probable cause section the date that the original HOI was issued, the name of the detective that issued the original HOI and the appearance date that the person failed to appear.
- f. After completing the face of the GSS&C, complete the reverse section including the following information:
 - Victim's name** Sarah Jones, 605 Bannock Street, Denver, CO 303-436-5422
 - Witness** Officer that issued/served the original HOI to the suspect
 - Witness** Officer that arrested the suspect for Refusal to Submit to a Health Exam
- g. Upon completion of the GSS&C, jail the suspect and attach the original copies of the Health Order In to a photocopy of the GSS&C, then mail these documents through Inter-Departmental mail to the Vice Sergeant.
- h. If the suspect is in violation of another ordinance, the officer shall complete a second GSS&C and probable cause statement listing the second charge.

304.07 Use of Military Personnel in Investigations

- (1) The use of military personnel for any type of investigation is prohibited.
- (2) It is against military regulations to enlist the aid of military personnel in investigations conducted by civil police.

304.08 Anonymous Complaints

- (1) All personnel are directed to be very circumspect about investigating anonymous complaints.
- (2) If the complaint concerns an individual or a location which can be investigated by surveillance, then we can accept it and act.
- (3) If the complaint is an accusation from one person against another, we will not investigate the matter in any way, unless the complainant identifies themselves.
- (4) The complainant must also agree to either appear as a witness or sign a formal complaint against the accused, if apprehended.

304.09 Hotel Checks

- (1) Violations by the operators of hotels must be recognized, in addition to violations by the occupants.
- (2) A proper registration record must be maintained by the operator. By city ordinance, this record must be available for inspection by police officers.
- (3) Whenever an arrest is made that involves hotel registrations, the hotel register is to be confiscated, identified, and properly tagged as evidence at the time of the arrest and incidental to the arrest or order-in, whichever the case may be.

- (4) Copies of the front and back of the City Attorney's copy of the GSS&C, the statements and advisement forms and a letter detailing the incident should be sent to the Vice/Drug Control Bureau. Vice officers will type a Vice Case Summary on the arrest. The statements will be placed with the summary in the Vice Bureau files. The report and original statement will be available to the arresting officer for court.

304.10 Drug Related Currency Seizure

- (1) Money recovered in a drug related City Ordinance violation or State misdemeanor case and/or arrest will not be seized as evidence nor placed into the Property Bureau as evidence.
- (2) Under Colorado law (C.R.S. §16-13-303), drug-related currency under \$1,000 will not be held for seizure without extenuating circumstances which could include but are not limited to the following:
- a. Currency recovered in proximity to narcotics found to be packaged for distribution or sale.
 - b. Any other articulable evidence that would tend to show a link to the currency and narcotic distribution or sale.
- (3) A detective or supervisor assigned to the Vice/Drug Control Bureau must approve the submission of any currency to be placed in the Property Bureau as evidence in a felony drug-related case and/or arrest. Approval may also be obtained from any other supervisor authorized to do so by a command officer from the Vice/Drug Control Bureau.
- a. The Vice/Drug control Bureau will provide the Property Bureau with a list of all Supervisors not assigned to the Vice/Drug control Bureau who are authorized to approve the submission of currency to be held as evidence in a drug case.
 - b. Members of the Vice/Drug Control Bureau can be contacted twenty-four (24) hours per day, seven (7) days per week. During normal business hours, they can be contacted at 720-913-6060. During non business hours, they may be contacted through the radio room.
- (4) If currency that has not been approved for submission to the Property Bureau as evidence needs to be placed into Property, it shall be entered as personal property.
- (5) Drug-Related Currency Evidence Form
- a. When any amount of drug-related currency is approved to be held as evidence in the Property Bureau, the submitting officer will complete the Drug Related Currency Evidence Form, and a Property Bureau Invoice Form.
 - b. The Drug-Related Currency Evidence form must include the name and badge number of the Vice/Drug Control Bureau detective or supervisor approving the currency seizure and the Property Bureau Invoice Number.
 - c. The Property Bureau will attach the Drug-Related Currency Evidence Form to a copy of the Property Bureau invoice and forward it to the Vice/Drug Control Bureau.
- (6) Vice/Drug Control Bureau Responsibilities
- a. The Vice/Drug Control Bureau will log all Drug-Related Currency Evidence forms immediately upon receipt from the Property Bureau.
 - b. The member of the Vice/Drug Control Bureau who approved the currency seizure or their supervisor will return a copy of the Drug-Related Currency Evidence Form to the Property Bureau with the name and the badge number of the investigator assigned to the case.
 1. A copy of this form will be returned to the Property Bureau within three (3) business days.
 2. The original form will be retained in the Vice/Drug Control Bureau case files.
 - c. After consulting the appropriate prosecutor, the Vice/Drug control Bureau investigator assigned to the investigation will notify the Property Bureau within thirty (30) days if it will be necessary to continue the evidence hold.
 1. If a hold is no longer necessary, the assigned investigator will change the status to Personal Property and send a card to the person from whom the currency was seized, notifying them that they may claim their currency at the Denver Police Department Property Bureau.

