INTRODUCTION

TO: All Denver Police Department Personnel:

The canons defined by the Law Enforcement Code of Ethics, rules, regulations, and duties contained in this manual are published for the information and guidance of each employee of the Denver Police Department. Rules and regulations will invariably be adhered to at all times; however, the Chief of Police (or designee) may excuse officers and employees from strict adherence based on the relevance and practicality of a specific policy to an officer or employee's assignment or duties, as well as any unique circumstances that may be present. Such discretion by the Chief of Police (or designee) will be applied with good judgment and in the best interests of the community and the department.

The duties and procedures are not intended to cover every situation which may arise in the course of one's duties. There will be times when officers will have to rely solely upon their discretion and experience to be effective. Officers' value to the community and department will be gauged not only by compliance with the instructions contained in this manual, but also by demonstration of good judgment, commitment, and performance under widely variant conditions. It is incumbent upon all officers to familiarize themselves with the contents of this operations manual so that they may know their duties and perform them properly.

AUTHORITY

By virtue of the authority vested in me as Chief of Police of the City and County of Denver, I hereby prescribe and adopt the following as a Manual of Operations for the Police Department of the City and County of Denver. This Operations Manual, as it hereafter is to be known, will be the standard by which the actions of all officers in the Department of Police are to be measured.

In accordance with the Denver City Charter, all amendments to the Rules and Regulations as set forth in the Appendix must have the approval of the Executive Director of Safety.

The duties and procedures will change as needed by the Chief of Police with the concurrence of the Executive Director of Safety and their revisions issued after this date are to be prepared and distributed as appropriate. This Operations Manual will replace and supersede all Orders of this Department inconsistent herewith.

____________________________________ __________________________________
Paul M. Pazen
Executive Director of Safety

____________________________________
Chief of Police
MISSION STATEMENT
IN PARTNERSHIP WITH THE COMMUNITY, WE ENDEAVOR TO OPERATE A POLICE AGENCY WITH A FOCUS ON PREVENTING CRIME IN A RESPECTFUL MANNER, DEMONSTRATING THAT EVERYONE MATTERS

VISION
THE DEPARTMENT, IN PARTNERSHIP WITH THE COMMUNITY, WILL ENDEAVOR TO ACHIEVE OUR MISSION BY:

- FOCUSING ON THE PREVENTION OF CRIME AND SAFETY
- ADOPTING A DEPARTMENT CULTURE THAT IS CONSISTENT WITH COMMUNITY VALUES
- COMBINING BOTH EFFICIENCY AND EFFECTIVENESS, WHILE LEVERAGING TECHNOLOGIES THAT ENHANCE POLICING OPERATIONS

CORE VALUES
IN AN EVER-CHANGING WORLD, CORE VALUES ARE CONSTANT, THEY ARE THE FUNDAMENTAL BELIEFS OF A PERSON. CORE VALUES ARE NOT DESCRIPTIONS OF THE WORK WE DO OR THE STRATEGIES WE EMPLOY TO ACCOMPLISH OUR MISSION. THESE VALUES UNDERLIE OUR WORK, HOW WE INTERACT WITH EACH OTHER AND MEMBERS OF OUR COMMUNITY, AND FORM THE BASIS OF OUR DECISION MAKING. THESE THREE BELIEFS AND VALUES GUIDE AND INSPIRE US IN ALL WE SAY AND DO; WE WILL CONTINUALLY INTERNALIZE AND MODEL THESE CORE VALUES:

- INTEGRITY: HONEST AND ETHICAL BEHAVIOR IN ALL WE DO, OUR ACTIONS WILL MATCH OUR WORDS.
- COURAGE: SELFLESS DEVOTION TO DUTY; TAKING ACTION IN THE FACE OF DANGER AND HOLDING OURSELVES AND OUR PEERS TO THE HIGHEST ETHICAL STANDARDS.
- SERVICE: PROVIDING RESPECTFUL POLICE SERVICES TO ALL, REALIZING THAT WE ACHIEVE MORE THROUGH PARTNERSHIPS. OUR MOTTO “TO SERVE AND TO PROTECT” IS NOT JUST A SLOGAN – IT IS OUR WAY OF LIFE.

GUIDING PRINCIPLES
OUR AGENCY’S GUIDING PRINCIPLES ARE THE STRATEGIES THAT WE APPLY TO ACCOMPLISH OUR MISSION. THEY DESCRIBE THE MANNER IN WHICH OUR ORGANIZATION ACCOMPLISHES ITS MISSION. THESE TWO GUIDING PRINCIPLES ARE HOW WE MEET THE DEMANDS OF OUR MISSION:

- INNOVATION: INNOVATION IS ENCOURAGED TO CREATE A LEARNING ORGANIZATION THAT WILL GROW AND DEVELOP NEW AND INNOVATIVE PRACTICES TO ACCOMPLISH OUR MISSION.
- TEAMWORK: TEAMWORK IS FOSTERED IN ALL AREAS. WE BELIEVE THAT SOLUTIONS TO CRIME PROBLEMS COME FROM INSIDE AND OUTSIDE OF OUR ORGANIZATION. ESTABLISHING A VARIETY OF PARTNERSHIPS IS VITAL TO THE ACCOMPLISHMENT OF OUR MISSION.
B Department Objective

The main objective of the Denver Police Department is to meet its responsibilities to the community by providing highly professional, respectful, effective, ethical, and responsive law enforcement and public safety services.

In order to accomplish this objective, members of the Denver Police Department must make an organizational effort toward the betterment of communications and the encouragement of individual initiative.

The duties of each assignment will be made known to all throughout this organization. Lines of communication are shown on the organization chart. It should be possible for anyone in this organization to contact the proper authority for action or decision on any issue.

It is believed that in order to fulfill this basic objective, it is necessary to create and maintain a sound organization through which the Denver Police Department can be easily and effectively directed and controlled. This does not imply disregard for the rights or abilities of the individual, but rather a structuring of the human efforts concerned with carrying out the everyday activities in the operation of this department.

Consideration is given in the organizing process to greater personal satisfaction through more effective use of human talents and the attainment of individual as well as departmental goals.

C Organization Policies:

To provide a guide for future action in organization planning, the following policies are stated:

a. Fixed Responsibility:
   It is the policy of the Denver Police Department to fix responsibility for each function. The manner in which such responsibility has been fixed is set forth in this manual.

b. Discretion:
   It is the policy of the Denver Police Department that in any situation for which there is no formal departmental rule or procedure, officers will take the least stringent action which will be in the best interest of the public, resulting in equitable enforcement of the law and reflecting positively on the Denver Police Department.

c. Delegation of Authority:
   It is the policy of the Denver Police Department to delegate authority for decision making and action, empowering employees closest to where the work is performed.

d. Organization Structure:
   It is the policy of the Denver Police Department to describe lines of authority and such functional and advisory relationships as are necessary to the conduct of good law enforcement and by means of an organization chart. This chart shows supervisory relationships, areas of activities, relations with other bureaus, divisions, districts, sections and units, and direct and indirect lines of authority.

e. Span of Control:
   It is the policy of the Denver Police Department to limit the number of subordinates reporting to any one supervisor. The limiting condition is that a supervisor must be able to give proper attention to the duties of his/her position in the organizational structure and follow the lines of authority and communication shown on the organization chart.

f. Communications and Lines of Authority:
   It is the policy of the Denver Police Department to have established lines of authority followed in all routine matters. It is not the purpose of this policy, however, to put an end to the "open-door" policy of command officers. Under exceptional circumstances and when normal lines of authority do not suffice, persons may seek advice and discuss problems with higher authority.
g. Organization Changes:
   It is the policy of the Denver Police Department to make basic changes in the described
   organization structure only after full consideration by the Executive Director of Safety, Chief of
   Police and by their respective executive staffs.

h. The Organization Chart:
   The organization chart shows in graphic form the overall organization structure, management
   position in the structure, and the flow of authority and accountability. Coupled with the position
   guides, the organization chart forms the basis for communicative decision-making and general
   management action necessary to create the most efficient department productivity.

i. Common Responsibilities:
   There are many responsibilities common to all management positions. In addition to the duties
   performed in directing a designated bureau, division, district, section or unit, each supervisory
   officer advises and acts for the Chief of Police in promoting coordination and cooperation in matters
   of department-wide concern. Other common responsibilities that should be the concern of all
   officers are:

1. Keeping current about developments of all kinds affecting their area of specialization and
   making use of such knowledge as will render maximum benefit to the department.
2. Cooperate actively with their associates for the best attainment of department objectives.
3. Interpret approved policies and plans to their bureau, division, district, section or unit and to
   act as liaison in transmitting of information from top to bottom and vice versa.
4. Plan for both long and short-range objectives and policies for their assignment.
5. Participate in joint action with other bureaus, divisions, districts, sections, units and
   assignments where concerted action is needed for the solution of a problem.
6. Establish, maintain and administer procedures necessary for the efficient operation of this
   department.
7. Administer and control expenditures of staffing, materials and other cost elements which
   could materially affect the operations of this department.
As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

**Police Officer’s Oath**

I do solemnly swear by the ever-loving God that I will support the Laws and Constitution of the United States and of the State of Colorado, and the Charter and Ordinances of the City and County of Denver; and that I will faithfully perform the duties of the office of Police Officer of the City and County of Denver, to which I have been appointed.
E  POLICY AND PROCEDURES

The Denver Police Department Operations Manual is to be used as an official guide, outlining procedures for many of the routine and infrequent operations performed by the police department. Procedures detailed in the manual are to be recognized as official policy and applied on a department-wide basis.

- All officers are responsible for understanding and complying with all provisions of the operations manual. Failure to comply with any of the provisions of the operations manual may subject an officer to disciplinary action, additional training, re-assignment, secondary employment restrictions, and other actions at the discretion of the Chief of Police, Executive Director of Safety, or their designees.
- It is understood that written policies may not cover every situation; however, personnel will not deviate from established policies and procedure except when necessary due to extenuating circumstances, and in these instances, there must be clear articulation and justification. Any deviation will be rigorously examined on a case-by-case basis.

F  ORGANIZATIONAL DEFINITIONS

The following definitions will govern the forthcoming discussion defining the organizational structure of the Denver Police Department and functions of each organic unit. They are presented here to provide uniformity and clarification of terminology.

F.1  ADMINISTRATION

The general administration of the police department is vested in the Executive Director of Safety who will be in full charge and control over the police department.

REFERENCE:  CHARTER OF THE CITY AND COUNTY OF DENVER
TITLE 1, SUBTITLE B – CHARTER, ARTICLE II – MAYOR AND EXECUTIVE DEPARTMENTS, PART 6 – SAFETY: 2.6.2

The Chief of Police is the chief executive officer of the department and the departmental authority in all matters of policy, operation, and discipline falling within his/her purview. He/she exercises all lawful power of the office, and issues such lawful orders as are necessary to assure the effective performance of the police operation.

Through the Chief of Police, the department is responsible for the enforcement of all laws and ordinances coming within its purview.

The rules governing the conduct of members of the classified service in the police department will be set forth as written rules and regulations by the Chief of Police with the approval of the Executive Director of Safety provided, however, that such rules and regulations will not contain any political or religious qualifications or disqualifications.

Any member of the classified service will be subject to fine and suspension, reduction in grade, and removal for a violation of such rules and regulations.

REFERENCE:  CHARTER OF THE CITY AND COUNTY OF DENVER
CHAPTER 42  POLICE, ARTICLE II – POLICE DEPARTMENT, DIVISION 1 – GENERALLY
SECTION 42-27  SUSPENSION, REMOVAL
SECTION 42-28  POWER TO FINE OFFICERS
SECTION 42-29  RULES AND REGULATIONS
F.2 **DEPARTMENT**
The Denver Police Department

F.3 **DIVISION**
Generally comprised of two or more bureaus under the command of a division chief, a division is the first level of groups subordinate to the Deputy Chief of Police.

F.4 **BUREAU**
An entity usually comprised of two or more sections under the command of an appointed commander or civilian director.

F.5 **DISTRICT**
A geographical area administratively designated for purposes of command, supervision, patrol, investigation, and or other specialized functions.

F.6 **SECTION**
An entity having jurisdiction or agency-wide authority for the accomplishment of a functional responsibility. Sections may or may not be subordinate to a division. When not subordinate to a division, it will be accountable directly to the Chief of Police or a deputy chief. Sections are structured with a span of control that generally requires a designated section head of the rank or title of captain, lieutenant, or civilian manager.

F.7 **UNIT / TEAM**
An entity that is generally a subunit of a district, division, or section but can report directly to the Chief of Police or a deputy chief. Sections and teams have area or functional responsibilities and are structured with a span of control that generally requires a first-level supervisor such as a sergeant or civilian supervisor.

F.8 **PRECINCT**
A geographic area of varying size within a district to which one or more officers are specifically assigned for patrol purposes.

F.9 **OFFICIAL DUTY**
That time when an officer is formally on-duty and engaged in an official capacity.

F.10 **VAN CISE-SIMONET DETENTION CENTER**
An intake center for processing arrestees prior to arraignment located at 490 W. Colfax Avenue.

G **PERSONNEL DEFINITIONS**

G.1 **CHIEF OF POLICE**
The Office of the Chief of Police will be appointed by the Mayor. The Chief of Police is the chief executive officer of the police department.

G.2 **DEPUTY CHIEF**
The position of Deputy Chief is the highest appointed rank of officers in the classified service. They are appointed from the civil service rank of captain or lieutenant and serve at the pleasure of the Chief of Police.

G.3 **DIVISION CHIEF**
The position of Division Chief is an appointed rank of officers in the classified service. They are appointed from the civil service rank of captain or lieutenant and serve at the pleasure of the Chief of Police.

G.3 **COMMANDER**
Commanders are members of the police department in the classified service. They are appointed from the civil service rank of captain or lieutenant and serve at the pleasure of the Chief of Police.

G.4 **CIVILIAN DIRECTOR**
A civilian employee appointed through a career service competitive process to a senior managerial position.
within the Denver Police Department.

G.5 **COMMANDING OFFICER**
Any officer in charge of a bureau, district, division, section, or unit.

G.6 **CAPTAIN**
A captain is a member of the police department in the classified service, next in rank to commander. This rank is attained by promotion from the rank of lieutenant through an eligibility list established by a competitive civil service examination and selection by the Chief of Police.

G.7 **CIVILIAN MANAGER**
A civilian employee appointed through a career service competitive process to a mid-level managerial position within the Denver Police Department.

G.8 **COMMAND OFFICER**
An officer holding the rank of lieutenant, captain, commander, deputy chief, or chief of police.

G.9 **LIEUTENANT**
A lieutenant is a member of the police department in the classified service next in rank to a captain. This rank is attained by promotion from the rank of sergeant through an eligibility list established by a competitive civil service examination and selection by the Chief of Police.

G.10 **SUPERVISORY OFFICER**
Officers assigned to positions requiring the exercise of immediate supervision over the activities of other officers and employees.

G.11 **SERGEANT**
A sergeant is a member of the police department in the classified service next in rank to a lieutenant. This rank is attained by promotion from an eligible list established by competitive civil service promotional examination and selected by the Chief of Police.

G.12 **CIVILIAN SUPERVISOR**
A civilian employee appointed through a career service competitive process to a first-level supervisory position within the Denver Police Department.

G.13 **CORPORAL**
A corporal is appointed by the Chief of Police to assume leadership and training roles and to fulfill supervisory responsibilities when necessary. Appointed officers retain their base rating under the classified service. This is not a permanent promotion and the officer appointed serves at the pleasure of the Chief of Police.

G.14 **DETECTIVE**
A detective is a police officer appointed by the Chief of Police to investigative duty. Appointed officers retain their rating under the classified service. This is not a permanent promotion and the officer appointed serves at the pleasure of the Chief of Police.

G.15 **TECHNICIAN**
A technician is a police officer appointed by the Chief of Police to fulfill specialized roles and responsibilities. Appointed officers retain their rating under the classified service. This is not a permanent promotion and the officer appointed serves at the pleasure of the Chief of Police.

G.16 **POLICE OFFICER**
A person appointed to the department as a full-time, regularly salaried peace officer. An officer is the basic individual unit of the police department from the ranks of which all assignments and promotions are made. Officers attain this rank by appointment from an eligible list established by a competitive civil service examination in the classified service.
G.17 **CIVILIAN EMPLOYEE**
Every person other than sworn police officers, hired through Career Service by competitive process.

G.18 **RESERVE POLICE OFFICER**
A person appointed to the department as a volunteer peace officer. Persons may attain this position by appointment from an eligible list established by a competitive examination. The officer appointed serves at the pleasure of the Chief of Police.

G.19 **VOLUNTEER**
A person selected for a non-paid, volunteer position. Volunteers are non-sworn and serve in a supportive role within the police department. Volunteers serve at the pleasure of the Chief of Police.

H **WORDS AND TERMS - DEFINITIONS**
The following words and terms have these assigned meanings within the Denver Police Department Operations Manual; unless by context or content it is evident there is a different meaning.

H.1 **CAREER SERVICE**
The hiring authority for civilian employees of the City & County of Denver.

H.2 **CITY**
The City and County of Denver as a governmental organization.

H.3 **CIVIL SERVICE COMMISSION**
The hiring authority for sworn personnel of the Denver Police Department.

H.4 **CIVILIAN / NON-SWORN / CSA**
A Denver Police Department Career Service employee having no arrest authority, as stipulated by the State of Colorado for peace officers. Civilian personnel serve in support and managerial functions and may wear a designated uniform, but do not possess authority to make a custodial arrest.

H.5 **DEPARTMENT / DPD**
The Denver Police Department

H.6 **DSD**
The Denver Sheriff Department

H.7 **DHMC**
Denver Health Medical Center

H.8 **EMPLOYEE/PERSONNEL**
All persons employed by the Denver Police Department. This includes sworn police officers, civilian employees, unpaid interns, sworn reserve police officers, and volunteers.

H.9 **CHILD**
Generally any person under the age of 18 years. Some policy areas may stipulate specific ages to address particular situations.

H.10 **POLICE OFFICER**
A sworn employee of the City and County of Denver Police Department who is granted peace officer authority in accordance with the laws of the State of Colorado and City and County of Denver.

H.11 **OPERATIONS MANUAL**
The Denver Police Department Operations Manual

H.12 **ORDER**
A written or verbal instruction issued by a supervisor
H.13 POST (Peace Officer Standards and Training)
The State of Colorado organization responsible for oversight of standards and training for all Colorado peace officers.

H.14 Scout Van
A vehicle operated by the Denver Sheriff’s Department for the transport of in-custody persons.

I Formatting and Abbreviations

I.1 Formatting Conventions:
   a. The document will begin with an Introduction, the department’s Mission, Vision and Values, its Guiding Principle and Philosophy, and the Department Objective. It will end with specific policy sections.
   b. The subject, section number, and publication / revision date will be included in the header.

I.2 Acceptable Substitutions:
   a. An individual policy may be referenced as the "____ Policy".
   b. Individual sections of a policy may be referenced as "OMS 000.00".

I.3 Grammar:
   a. Words or phrases not otherwise defined will have meaning and intent established in common usage.
   b. The following rules of grammar apply throughout all operations manual sections:
      1. Verbs:
         • "Shall", "will", and "must" are mandatory in intent and specify a required action.
         • "Should" is advisory in intent. Though not mandatory, an advised action should be followed if permissible and practical.
         • "May" is permissive.
      2. Abbreviations:
         • "e.g.," means “for example”.
         • "i.e.," means “in other words”.
1.00 PERSONNEL - ORGANIZATION
The police department is comprised of the Chief of Police, who is appointed by the Mayor, and such subordinate police officers appointed pursuant to Denver Civil Service requirements and employees appointed pursuant to Denver Career Service requirements, as may be necessary to prevent crime, preserve the peace, protect persons and property, and enforce laws and ordinances.

1.01 PERSONNEL – SWORN:

a. Ranks:
   - Chief of Police
   - Deputy Chief of Police
   - Division Chief
   - Commander
   - Captain
   - Lieutenant
   - Sergeant
   - Detective – Corporal – Technician
   - Officer

b. Grades:
   - Police Officer 1st Grade (33 or more months of service)
   - Police Officer 2nd Grade (having completed 21 months and less than 33 months of service)
   - Police Officer 3rd Grade (having completed 9 months and less than 21 months of service)
   - Police Officer 4th Grade (upon graduation from the police academy and the first 9 months thereafter)
   - Recruit Officer (from the original date of appointment to the completion of the Academy and certification as a peace officer by the State of Colorado)

1.02 PERSONNEL – CAREER SERVICE

a. Duties and Work Hours:
Career Service (CS) employees will perform the duties designated by the Executive Director of Safety through the Chief of Police, working such hours as deemed proper for the accomplishment of their assigned duties by their sworn supervisors or civilian managers.

b. Performance of Duties:
In the performance of all duties they will be honest, diligent, reliable, competent, respectful, courteous, and cooperative; exercising due care and appropriate economy in the use of city property, refraining from any act detrimental to the best interests of the city.

c. Rules and Regulations:
CS employees will be amenable to all rules and regulations set forth by the Executive Director of the Office of Human Resources appointed by the Career Service Board.

d. Training:
CS employees will be given the necessary on the job training to complete their assignments and
deal with the public in a professional manner. If an employee is performing in an unsatisfactory manner, every effort will be made to retrain and retain an employee to ensure that the employee will not be lost and that the citizens’ view of the Department is not jeopardized.

CS employees are encouraged to take advantage of schools and seminars made available to them, as long as it does not interfere with the police mission.

2.00 FUNCTIONAL RESPONSIBILITIES OF DIVISIONS, BUREAUS, DISTRICTS, SECTIONS, AND UNITS

The following descriptions are intended to identify the established and on-going functional responsibilities for each area identified. These responsibilities align with the goals and objectives of the department’s strategy and vision and are intended to be a general overview, meaning it does not identify, in detail, every job function assigned to a respective area. This list is meant to compliment the organization chart, which outlines the hierarchy and chain of command and has been organized in alphabetical order for easy reference.

2.01 ACADEMY UNIT:
The Academy Unit organizes and promotes training programs, including the development and distribution of training modules to supplement and comply with Colorado POST training requirements. The unit also organizes and coordinates recruit training, in-service training, institutes, seminars, and training programs, both internally and externally.

2.02 AIRPORT POLICE BUREAU:
The Airport Police Bureau provides uniformed patrol of airport property, including the enforcement of airport regulations, city ordinances, and state/federal laws. Bureau personnel coordinate their activities with airport officials and appropriate federal agencies, such as the FAA, FBI, TSA and Customs.

a. Explosives Detection K-9 Unit:
   Specially trained police officers and canines assigned to airport property for the specific purpose of detecting explosive materials on airport grounds and roadways.

b. Investigations / Special Events Unit:
   Completes follow up investigations of criminal offenses and plans and organizes special events occurring on airport property and roadways.

c. Traffic Enforcement Unit:
   Addresses hazardous violations and investigates motor vehicle crashes occurring on airport property within the City and County of Denver.

2.03 AIR SUPPORT UNIT:
The Air Support Unit provides aerial patrol, observation, and other necessary support for police related functions.

2.04 BIAS-MOTIVATED INVESTIGATIVE UNIT:
The Bias-Motivated Investigative Unit is a dedicated team of detectives assigned to handle crimes in which a person is victimized because of their actual or perceived race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation.

2.05 BOMB / EXTRADITION UNIT:
The Bomb/Extradition Unit conducts and documents investigations on all bomb threats, explosive related incidents, or post blast crime scenes. They render safe and/or remove suspected improvised explosive devices, incendiary devices, explosives, or explosive chemicals. Bomb Technicians prepare and present explosive related training programs, and investigates all bombings, bomb threats, burglaries and theft of explosives, and explosions which are not caused by a fire related incident.

Personnel coordinate with the Denver District Attorney’s office on extraditions, Denver District Court case filings, governors' warrants, and at large warrant case filings on all prisoners arrested in Denver for out of
state law enforcement agencies. The Bomb/Extradition Unit coordinates with other law enforcement agencies to arrange for prisoner transportation prior to the required legal deadlines.

2.06 BUSINESS ROBBERY UNIT:
The Business Robbery Unit investigates the taking of anything of value from a business by force, extortion, threats, or intimidation. This unit also investigates home invasion robberies, theft of motor vehicle by force cases, and extortion.

2.07 CANINE (K-9) UNIT:
The Canine Unit searches and locates criminal suspects, and performs regular patrol duties or other special assignments as directed by the Commander of Special Operations.

2.08 CIVIL LIABILITY SECTION:
The Civil Liability Section assists the Denver City Attorney’s Office when a claim or lawsuit is filed wherein any personnel of the police department and the City and County of Denver are named as defendants. Such assistance will include making all necessary notifications to appropriate personnel and gathering all necessary records.

The Civil Liability Section is also responsible for fulfilling requests for records and computerized information not normally provided by the Identification Section or Records Unit as outlined in operations manual section 109.00, and assuring that these requests are billed properly. Personnel of this unit act as agents for the Chief of Police by responding to the courts on Subpoenas Duces Tecum.

2.09 CITY ENFORCEMENT UNIT:
The City Enforcement Unit is responsible for identifying locations with high accident rates and instituting enforcement programs to reduce the accident rate. The commanding officer of the Traffic Operations Section can assign additional specialized enforcement duties as needed. City enforcement officers are motorcycle trained and assist with motorcade escorts and other duties as needed.

2.10 CITYWIDE IMPACT TEAM:
Citywide Impact has a day and night team with unique missions. The day team is a precision police unit that partners officers with licensed counselors from the Mental Health Center of Denver to target social harms within the city. The team addresses the needs of residents, evaluates potential for criminal activity, and proactively resolves social harms before they become significant public safety concerns.

The night team supports the entire patrol division by utilizing precision policing principles to focus on current and emergent crime issues. The team will work collaboratively with the Division Chief of Patrol and the district commanders to plan and implement long-term solutions to systemic neighborhood challenges.

2.11 CITY SECURITY AND PROTECTION BUREAU:
The City Security and Protection Bureau acts as a liaison to the Colorado Information Analysis Center (CIAC) and Office of Emergency Management (OEM). The bureau works with CIAC to improve collaboration on information sharing internally and with local, state, and federal partners. City Security and Protection Bureau is responsible for intra and interagency emergency plan coordination and representation of DPD within the OEM.

2.12 COLD CASE UNIT:
The Cold Case Unit proactively combines advances in DNA technology and traditional investigative techniques to solve cold case murders and sexual assault cases. Cold cases are defined as those having an indeterminate sentence that remains unresolved for one (1) year or more.

2.13 COMMUNITY RELATIONS UNIT:
The Community Relations Unit increases community involvement on a metro-wide basis to promote positive interactions between the citizens of Denver and members of the Denver Police Department. Through participation in expos, public events, and charity events, the Community Relations Unit seeks to improve the relationship the Department has with the community.
2.14 **CONDUCT REVIEW BUREAU (CRB):**

The Conduct Review Bureau maintains an effective discipline system that is fair, rational, efficient, and consistent, reflecting department values, protecting the rights of officers and citizens, promoting respect and trust within the department and community, and results in a culture of public accountability, individual responsibility, and maintenance of the highest standards of professionalism.

The CRB reviews all completed formal Internal Affairs investigations, makes findings, and when appropriate, issues penalty recommendations (using discipline matrix). In accordance with established processes, the Commander of the Conduct Review Bureau reports findings to the Chief of Police for review and final disposition. The Conduct Review Bureau also addresses scheduled discipline cases and vehicle pursuits. The Conduct Review Bureau includes the Prosecution Liaison and Civil Liability Section.

2.15 **COURT LIAISON UNIT:**

The Court Liaison Unit acts as a liaison between the courts and the police department. Personnel of this unit administer the online subpoena system, and are responsible for the issuance of all off-duty overtime court slips. Personnel notify the commanding officer of the Internal Affairs Section of officers who are not in compliance with mandatory court related activities.

2.16 **CRIME SCENE UNIT:**

The Crime Scene Unit specializes in crime scene processing, which includes the collection and preservation of evidence as well as the identification of latent prints, firearms, tool marks, and body fluids for DNA analysis. Crime scenes are documented using photographic and video technologies, and Crime Scene Unit personnel complete detailed crime scene drawings for investigative purposes.

2.17 **CRISIS INTERVENTION RESPONSE UNIT:**

The Crisis Intervention Response Unit consists of sworn personnel and licensed clinicians, contracted through the Mental Health Center of Denver (MHCD), who handle calls for service involving individuals with known or suspected mental health issues. Clinicians respond with officers and personnel in a team member role as well as handle self-initiated calls addressing mental health needs and support that do not require an officer presence. In addition, the department-wide CIT training program is coordinated through the Crisis Intervention Response Unit.

2.18 **CRISIS NEGOTIATION UNIT:**

The Crisis Negotiation Unit is comprised of specially trained detectives from investigative assignments throughout the department who are responsible for responding to barricade and hostage situations. Once on scene (under the direction of the Commander of the Major Crimes Bureau), unit personnel manage the negotiation, working in conjunction with district personnel and the Metro/SWAT Unit.

2.19 **CRISIS SERVICES BUREAU:**

The Crisis Services Bureau provides support services to victims of crimes and persons experiencing mental health crisis. This bureau includes the Victim Assistance Unit and the Crisis Intervention Response Unit.

2.20 **DATA ANALYSIS UNIT (DAU):**

The Data Analysis Unit provides analysis-driven data support to the Denver Police Department and Denver Department of Safety. The DAU combines disparate data sources to provide analytics, mapping, pattern analysis, correlations, and incident and offender trends to assist the department identify strategic and administrative priorities. The DAU evaluates and utilizes existing solutions for predictive analytics, business intelligence, and intelligence led policing efforts.

2.21 **DENVER POLICE ACTIVITIES LEAGUE (PAL):**

A nonprofit, charitable organization established in 1969 to provide athletic and other endeavors to Denver youth during high-risk hours, and to be a positive interface between the Denver Police Department and the community - [www.denverpal.com](http://www.denverpal.com).
The Denver Police Activities League is supported by the Community Affairs Unit and has a board of trustees comprised of both police officers and concerned Denver citizens. PAL works with hundreds of volunteer coaches from the community.

2.22 DENVER POLICE COMMUNITY ACADEMY:
An educational program designed to inform community members about law enforcement processes. Attendees learn about the Denver Police Department and a variety of procedures and functions, giving them unique access to law enforcement practices as a means of furthering police-community relations.

2.23 DISTRICT STATIONS:
The City and County of Denver is divided into six districts. Each district has a commander responsible to the Division Chief of Patrol for the effective and efficient operation of his/her command and the prompt and efficient discharge of duties and responsibilities. The personnel complement in each district is divided into shifts to provide 24-hour service. In addition to precinct patrol assignments, there are specialized units.

a. Community Resource Officers:
Assigned personnel are responsible for encouraging citizens to seek police expertise in matters of mutual concern, including such areas as crime prevention, Operation Identification, Neighborhood Watch, and nuisance abatement.

b. School Resource Officers:
Assigned to designated schools (within their respective district), assigned personnel act as a law enforcement liaison/consultant/representative with students, faculty, school administration, parents, and the school community. Where appropriate they provide coaching and mentoring. Their function is to provide support services to youth and educational organizations through the presentation of lectures, officer involvement within the educational system, consultations, use of police authority when appropriate, and a wide range of public relations efforts. School Resource Officers are not directly involved in the school administrative discipline process. School resource officers are governed by an IGA with DPS that determines their selection process and activities.

c. Investigations:
Assigned personnel investigate street robberies, burglary, auto theft, theft, assault, criminal mischief, and all other reported crimes not handled by specialized investigative units.

d. Narcotics:
Assigned personnel investigate narcotics violations within district geographic areas.

e. Impact Teams
Assigned personnel address neighborhood concerns and ongoing crime issues. Personnel are responsible for identifying problems in their respective areas and developing a plan to solve them, utilizing resources inside and outside the department. Impact teams from one or more districts also respond to large-scale events and provide support through crowd management, crime reduction, and problem solving.

f. Downtown Motorcycle Unit (District 6 only):
The unit provides rapid police response and maximum police visibility to the 16th Street Mall and the surrounding downtown area.

g. Mounted Patrol Unit (District 6 only):
Assigned personnel patrol the 16th Street Mall District, the park areas adjacent to the City and County Building, and other city parks when so directed while mounted on horse. They are further responsible for assisting with crowd management at special events and will assume other assignments and responsibilities as deemed necessary by the Commander of District 6 and/or the Division Chief of Patrol.
2.24 **DOMESTIC VIOLENCE/FRAUD SECTION:**
Comprised of the Domestic Violence Unit, Fraud Unit, and the Pawnshop/Bicycle Unit and Bicycle Impound.

2.25 **DOMESTIC VIOLENCE UNIT:**
The Domestic Violence Unit investigates domestic violence-related incidents such as assault, kidnapping, threats, telephone harassment, restraining order violations, menacing, and stalking that are reported as required by statute. The Domestic Violence Prevention Program is part of this unit and focuses on proactively addressing the underlying causes of domestic violence and providing appropriate resources.

2.26 **DUI / DRE ENFORCEMENT UNIT:**
The DUI/DRE Enforcement Unit is responsible for the detection, apprehension, and processing of drivers impaired or under the influence of alcohol and/or drugs.

2.27 **EVIDENCE AND PROPERTY SECTION:**
The Evidence and Property Section receives, catalogs, and maintains personal and evidentiary property coming into the possession of any officer or agent of the Denver Police Department.

2.28 **EXCISE AND LICENSE UNIT:**
The Excise and License Unit assists civilian investigators with conducting background investigations for all City and County of Denver license applicants. The Excise and License Unit also investigates and inspects current licenses to ensure compliance with city and county ordinances and state statutes.

2.29 **EXECUTIVE SECURITY UNIT:**
The Executive Security Unit provides executive security to the mayor, the mayor’s residence, and the office of the mayor; traveling with or making security arrangements for the mayor during travel out of the city; and reporting any criminal acts directed toward the mayor or the office of the mayor.

2.30 **EXPLOSIVE DETECTION CANINE UNIT – SPECIAL OPERATIONS BUREAU:**
The Explosive Detention Canine Unit supports department operations through the detection of explosive devices, explosive materials, and evidence recovery.

2.31 **FIREARM ASSAULT TEAM (FAST)**
FAST supports department operations through the investigation of non-fatal shootings where an individual is shot at and injured.

2.32 **FINANCIAL SERVICES SECTION:**
The Financial Services Section is responsible for preparation of the department budget and for the proper maintenance of the appropriation, as well as for the approval of expenditures and requests for purchases.

2.33 **FIREARMS UNIT – TRAINING SECTION:**
Assigned personnel are responsible for supervision of the department's firearm training program, the maintenance of firearm qualification score records for all sworn department personnel (including quarterly qualifications of all heavy weapons, shotguns, and urban rifles), and the repairs and maintenance of designated weapons owned by the department.

The commanding officer of the Training Section is also the department’s Chief Firearms Officer and oversees the Firearms Unit and all its facilities. The Chief Firearms Officer will identify an Assistant Chief Firearms Officer (supervisory or command officer) and a compliment of Firearm Training Officers (chosen from the rank of 1st grade police officer, technician, detective, or corporal rank).

The Less-Lethal Coordinator, assigned to the Firearms Unit, is responsible for the training, maintenance, and repair of designated department-owned less lethal weapons.

Exceptions:
- The METRO/SWAT Section uses their certified armorers and personnel for training, inventory, repairs, and maintenance of designated lethal and less-lethal weapons.
The Airport Bureau inventories designated lethal and non-lethal weapons.

2.34 **Firearms / Tool Mark Unit:**
Personnel examine firearms to ensure that they function properly, test fire for bullet and cartridge case recovery, and compare evidence bullets and cartridge cases to determine if they are matched to a specific firearm. Additionally, personnel conduct serial number restorations, physical matches (firearms and tools), and gun powder pattern testing. The unit also enters digitally captured images of fired cartridge cases using specialized equipment known as the Integrated Ballistics Identification System (IBIS) in the National Integrated Ballistics Information Network (NIBIN) in collaboration with the Crime Gun Intelligence Center (CGIC).

2.35 **Fleet Management Section:**
The Fleet Management Section personnel are responsible for the general administration of departmental business relating to vehicular equipment: repairs, maintenance, service and assignment, assessment of fleet size needs, requisition of vehicles, conduct equipment testing programs, and establish specifications for new vehicles. This section consists of the Service Center Unit and the Police Garage Unit.

2.36 **Forensic Biology / DNA Unit:**
The Forensic Biology/DNA Unit provides analysis of evidence for the presence of body fluids and the subsequent extraction of Deoxyribonucleic Acid (DNA) for identification purposes. Personnel compare known samples collected from victims and suspects to evidence, and routinely upload unknown DNA profiles into the Combined DNA Index System (CODIS) database.

2.37 **Forensic Chemistry Unit:**
The Forensic Chemistry Unit provides analysis to identify suspected drugs, narcotics, and controlled substances; fire debris; and human blood for the presence and concentration of alcohol. The forensic scientists also support clandestine laboratory investigations to ensure safety and offer technical advice to investigators. Scientists in this unit also conduct comparative analysis of organic and inorganic substances, such as hair, fibers, soil, tape, and botanicals. Additionally, the unit examines substances using microscopic technologies to identify gunshot residue, explosive materials, paint, glass, construction, and other unknown materials.

2.38 **Forensic Imaging Unit:**
The Forensic Imaging Unit archives, authenticates, secures, retrieves, and enhances digital image files taken by department personnel to assist in criminal investigations. Additionally, personnel respond to crime scenes to locate, retrieve, and protect video evidence. Personnel also provide approved specialized photography upon request to other areas of the department.

2.39 **Forensics and Evidence Bureau:**
The bureau consists of the Crime Scene Unit, Firearms Unit, Forensic Biology/DNA Unit, Forensic Chemistry Unit, Forensic Imaging Unit, Latent Print Unit, Quality Assurance Unit, and Trace Evidence Unit. Personnel assigned to the bureau are responsible for the collection, preservation, and examination of evidence. Bureau personnel also provide expert testimony related to these areas.

2.40 **Fraud Unit:**
The Fraud Unit is responsible for the investigation and case filing in most complaints related to checks, financial transaction devices (credit cards), forgeries, identity theft, elder exploitation, and frauds.

2.41 **Fugitive Unit:**
The Fugitive Unit investigates complaints and warrants for felony and misdemeanor offenses pertaining to persons wanted by the Denver Police Department and other jurisdictions, and maintains correspondence pertaining to the transfer or extradition of fugitives. Assigned personnel actively attempt to arrest known fugitives.
2.42 (Reserved)

2.43 GANG UNIT:
The Gang Unit is responsible for enforcement activities and follow-up investigations in the area of gang activities. Inclusive in this is the collection and interpretation of intelligence information concerning gangs, gang members, and gang related crimes in the metro area. The Gang Unit also provides an education and information service for law enforcement and other related organizations. Personnel are responsible for enforcement of all federal, state, and city laws pertaining to criminal conduct among the gang element.

2.44 HALO UNIT:
The HALO Unit monitors, maintains and operates the department’s overt camera systems.

2.45 HIGHWAY / HAZARDOUS MATERIALS UNIT:
The Highway/Hazardous Materials Unit is responsible for traffic enforcement, accident investigation and the maintenance of an orderly flow of traffic on the freeways within the city. Personnel are also responsible for inspecting commercial vehicles and hazardous material carriers, and enforcing statutes, ordinances and rules and regulations pertaining to the transportation of hazardous materials.

2.46 HOMICIDE UNIT:
The Homicide Unit investigates the intentional, unintentional, justifiable, and unlawful killing of human beings, to include suicides and attempt suicides, officer-involved critical incidents, industrial/accidental deaths—except traffic fatalities, suspicious hospital deaths or other suspicious deaths occurring while in a doctors’ care, known and unknown dead cases, murder for hire, and any other investigation where the expertise of the Homicide Unit personnel benefit the police mission.

2.47 IDENTIFICATION SECTION:
The Identification Section includes the Identification Unit (including NCIC and concealed weapons), and the Records Unit.

2.48 IDENTIFICATION UNIT:
The Identification Unit is responsible for generating and maintaining criminal history records, fingerprints, and photographs for the department. Additionally, personnel are responsible for making positive identification of arrestees, supplying the public, criminal justice agencies and DPD officers with criminal records they can legally access. The Identification Unit processes modified prisoner hold reports for detectives and facilitates the US&C process. The unit issues and maintains identification cards for all police department employees, and provides the public with fingerprint services.

Personnel assigned to management of concealed weapons are responsible for the processing and issuance of concealed weapon permit applications under Colorado Revised Statute 18-12-205, including the forwarding of applications to the Colorado Bureau of Investigation and the Office of the Executive Director of Safety. Personnel are also responsible for revoked and suspended permits and issuance of permits to retired law enforcement personnel under the 2004 Law Enforcement Officers Safety Act. Personnel are responsible for the processing, background investigations, and issuance of these permits. Personnel complete computer data entry for adult and juvenile arrests.

a. NCIC/CCIC
   Assigned personnel are responsible for all entries, modifications and cancellations of warrants, the maintenance of the central warrant file, and the operation of the NLETS Communication system for the Department.

b. CCIC Coordinator
   The CCIC Coordinator serves as the formal liaison between the Denver Police Department and the Colorado Bureau of Investigation regarding NCIC/CCIC operations and serves on the Board of Working Advisors. The CCIC Coordinator is responsible for setting policy and procedure for
NCIC operators. The CCIC Coordinator receives Declarations of Understanding from CCIC trainers and maintains copies of the Declarations.

c. CCIC Trainers

Trainers are responsible for the testing of sworn and CS personnel. CCIC trainers are also available at the district, division, or section level to answer questions relating to CCIC functions and should have a strong understanding of the system.

2.49 INFORMATION DESK UNIT:

The Information Desk Unit provides building security as well as assistance to citizens coming to the Police Administration Building. Information Desk Unit personnel aid with police reports and resource information for visitors.

2.50 INFORMATION MANAGEMENT UNIT:

The Information Management Section (IMU) implements and maintains various modules within the records management system. This includes all interfaces with the system – CAD, Crime Lab, reporting databases, NCIC, DenverGov, internet crime reporting, internet request for reports, and the interface with the Integrated Criminal Justice BUS. This requires coordinating with affected personnel any changes to policy and procedures that will gain efficiencies within the record management system. IMU personnel monitor all facets of the record management system to ensure compliance with policy and procedures and ensure that reporting, data entry, and case management is handled in a consistent manner.

IMU provides training to department employees in all record management systems, user, and records management system technical support during normal business hours, and 24/7 support for user and technical issues. This includes close daily support with all integrated city agencies that share the data. Additionally, IMU personnel ensure the record management system has the newest version of software. This requires extensive testing and coordinated effort with affected personnel, Technology Services, and the record management system vendor. IMU personnel evaluate new technologies and equipment related to record management and coordinate with affected personnel with regard to the deployment of new hardware and software applications.

2.51 INTELLIGENCE SECTION:

The Intelligence Section includes related task forces, the Intelligence Unit, the Internet Predator Unit, the School Violence Unit, and the Executive Security Unit.

2.52 INTELLIGENCE UNIT:

The Intelligence Unit is responsible for criminal intelligence activities, dignitary protection and other specialized investigations.

2.53 INTERDICTION UNIT:

The Interdiction Unit is responsible for the enforcement of all local, state, and federal statutes which prohibit the possession, use, or traffic of narcotics and other prohibited substances. The unit strives to impact the flow of illegal narcotics and related currency into and out of the city through proactive interdiction operations focusing on the city’s highways, transportation terminals, and mail system while collaborating with state and federal law enforcement agencies and our partners within the community.

2.54 INTERNAL AFFAIRS BUREAU:

Assigned personnel ensure the integrity of the Denver Police Department through the complete, efficient, and proper investigation of allegations of police misconduct.

2.55 INTERNET PREDATOR UNIT:

The Internet Predator Unit is a collaboration between the Denver Police Department and the FBI (the Denver division that investigates cases of internet luring and child pornography). The task force is responsible for the investigation and prosecution of cases involving the possession, distribution, and transportation of child pornography by means of the Internet or electronic communications that violate federal statutes.
2.56 **INVENTORY CONTROL UNIT:**
The Inventory Control Unit is responsible for the maintenance of an inventory control system to include all city-owned property in the custody of the Denver Police Department, as set forth under rules and regulations established by the Office of the Auditor, and pursuant to Executive Orders 24 and 47.

2.57 **INVESTIGATIVE SUPPORT BUREAU:**
The Investigative Support Bureau consists of the Vice/Narcotics Task Force Section, the Vice/Narcotics Section, the Intelligence Section, the Special Investigations Section, the Gang Section, the Real-Time Crime Center, and related task forces.

2.58 **JUVENILE SECTION:**
The Juvenile Section processes juveniles arrested for misdemeanors, felonies, and outstanding warrants, and assist officers with the processing of non-status juvenile offenders (e.g., runaways), as needed.

2.59 **LATENT FINGERPRINT UNIT:**
The Latent Fingerprint unit processes evidence in the laboratory for the development of latent prints (including finger, palm, shoe, tire, and tread prints) utilizing powder and chemicals. Once developed and preserved utilizing tape lifts or photography, personnel conduct friction ridge analysis to compare unknown prints to known (exemplar) prints. Additionally, personnel upload finger and palm prints into the Automated Fingerprint Identification System for regional or national searches.

2.60 **LEGISLATIVE LIAISON:**
The Legislative Liaison monitors state and local legislation and advises the Chief of Police on its impact to the department. Legislation brought to state and city agencies from within the police department is coordinated by the legislative liaison, with the Chief of Police giving final approval. It is then presented to state government or the mayor's office and city council by the legislative liaison.

2.61 **MAJOR CRIMES BUREAU:**
The Major Crimes Bureau investigates serious crimes against persons and consists of the Robbery/Homicide Section, the Sex Crimes Section, the Domestic Violence/Fraud Section, and the Metro Denver Crime Stoppers Unit.

2.62 **MARIJUANA UNIT:**
The Marijuana Unit enforces all local and state statutes which prohibit the illegal possession, cultivation, manufacture, or traffic of marijuana and marijuana related products. The unit will accomplish this through a combination of enforcement, public education, partnership with the community and other criminal justice agencies, and training.

2.63 **METRO DENVER CRIME STOPPERS UNIT:**
Assigned personnel are responsible for the effective operation and promotion of the Metro Denver Crime Stoppers Program. This involves coordination between the Metro Denver Crime Stoppers Program, metro area law enforcement agencies, local media, and the community. Assigned personnel are the designated liaison between citizen tipsters calling on the MDCS hotline and the MDCS Awards Committee.

Metro Denver Crime Stoppers (MDCS) has been serving the community and law enforcement by providing a conduit for anonymous tips provided by the public to assist law enforcement. The MDCS program encourages citizens to provide law enforcement agencies with information relating to unsolved crimes. Tipsters are given the opportunity to remain anonymous when they call the tip line number with information. Cash awards are offered for information which leads to the arrest of a suspect.

2.64 **METRO/SWAT SECTION:**
The METRO/SWAT Section is comprised of the SWAT and Canine Units. The responsibility of the section is to provide crime suppression and special operations beyond the resources of a patrol district.
2.65 **Mid-Level Narcotics Team:**
The Mid-Level Narcotics Team investigates drug dealers and suppliers to decrease the flow of illicit drugs into the community.

2.66 **Missing and Exploited Persons (MEP) Unit:**
The MEP Unit investigates cases of neglected and/or abused children, child deaths (in cooperation with the Homicide Unit), sexual assaults to children when the suspect is in a position of trust, or if the suspect is a family member, child pornography as it pertains to the possession, distribution, and/or manufacturing of photographs, reported runaways, missing persons, kidnappings where the victim is still missing and any investigation where the expertise of the MEP Unit would be useful.

2.67 **Neighborhood Enforcement Unit:**
The Neighborhood Enforcement Unit addresses neighborhood traffic complaints and problems. Officers will actively participate with the neighborhood groups, patrol district personnel, city council, other city agencies and schools in their assigned area.

2.68 **Night Shift Unit:**
The Night Shift Unit investigates suicides, attempt suicides, industrial/accidental deaths (except traffic fatalities), suspicious deaths, known and unknown dead cases and provide investigative support, in general investigative capacity, for members of the department seeking advice or investigative response during their scheduled hours. Personnel assist other investigative units by triaging, processing crime scenes, and ensuring adequate investigative response to criminal incidents. This includes the completion of search warrants or referrals to the responsible investigative unit.

2.69 **Office of the Chief of Police:**
The Office of the Chief of Police is responsible for the overall operation of the Police Department.

2.70 **Office of the Division Chief of Administration:**
Under the command of the Deputy Chief, the office manages a number of administrative and support functions, and provides oversight for the department’s budget, capital assets, and community relations. This office includes the Airport Police Bureau, City Security and Protection Bureau, Operations Support Section, Juvenile Section, Evidence and Property Section, Internal Affairs Section, and the Training Section.

2.71 **Office of the Division Chief of Investigations:**
Under the command of the Deputy Chief, the office manages all major crime investigations, specialized investigative units, task forces, and operations for the department. This office also oversees crisis services and the Forensics and Evidence Bureau.

2.72 **Office of the Division Chief of Patrol:**
Under the command of the Deputy Chief, the office manages all patrol functions within the department, including district stations and the Citywide Impact Team.

2.73 **Office of Emergency Management (OEM):**
Assigned personnel serve as a liaison and active participant with the City and County of Denver Office of Emergency Management.

a. **Mission:**

OEM coordinates with local, state, federal, private, non-profit entities, and community groups to minimize the impact of all potential hazards facing the City and County of Denver. OEM strengthens Denver's preparedness through comprehensive disaster planning, hazard identification & risk assessment, hazard mitigation, protection of critical infrastructure, and enhancement of community preparedness. OEM enhances disaster response by managing the Denver Emergency Operations Center and OEM Duty Officer Program, to improve interagency coordination and information sharing, resource management, and emergency public information.
and warning. These activities improve Denver’s ability to recover from a disaster, reducing the time and cost required to return to normal operations, making Denver a more resilient city.

OEM also manages the Denver Urban Area Security Initiative, a federally-funded homeland security program designed to increase the Denver metropolitan area’s capabilities to mitigate, prepare for, respond to, and recover from terrorist events and other major incidents.

2.74 Operations Support Section:

The Operations Support Section provides a support function maintaining the department’s vehicle fleet, tabulating crime statistics, tracking property assigned to the department’s various bureaus and divisions, maintaining computerized personnel records and scheduling, coordinating projects related to police facilities, and the distribution of employee uniforms and equipment. The section includes the Fleet Management Section, the Inventory Control Unit, the TeleStaff Coordinator, and the Uniform/Stationery Supply Unit.

2.75 Pawnshop/Bicycle Unit:

The Pawnshop/Bicycle Unit & Bicycle Impound inspects and investigates licensed pawnshops, second-hand stores, and cases involving violations of the Pawn Broker’s Act. The Pawnshop/Bicycle Unit retrieves all pawn tickets daily and recovers stolen property. It is responsible for recovering and storing stolen and abandoned bicycles, filing cases, and assisting in the identification and sale of unclaimed bicycles through the city surplus office.

2.76 Peer Support Unit:

The Peer Support Unit provides confidential support, emergency intervention, assessment, and oversees the department’s resiliency and wellness efforts. The only exception to the rule of confidentiality would be regarding information revealing criminal activity or circumstances leading to, or that could cause self-harm. Officers serving as peer support advisors are required to report such information to the appropriate authority. The Peer Support Unit is part of the Resiliency and Wellness Program.

Members of the Peer Support Unit are volunteers from the Denver Police Department and are trained under the direction of the police psychologist. Contact numbers for unit members are available on the Peer Support Roster posted via DPDWeb and through Denver 911.

2.77 Professional Development Unit:

The Performance Development Unit is responsible for administering the Early Identification and Intervention System (EIIS). The unit also coordinates all limited duty issues and assignments.

2.78 Photo Enforcement Unit:

The Photo Enforcement Unit is responsible for the management of red light and photo radar enforcement programs.

2.79 PIO Unit:

The PIO Unit assists media personnel in covering routine news stories, are available for on-call response to the media, prepare and distribute news releases to the media and the community, arrange and assist at news conferences, assist with media issues related to crisis situations, and coordinate and authorize the release of information concerning departmental investigations and operations.

2.80 Planning, Research & Support Section:

The Planning, Research & Support Section assists in the preparation of policies and procedures, publication and revisions of the Operations Manual, legislative analysis, preparation of studies, reports, surveys, evaluation of new police methodologies and recently developed products, design and maintenance of all department forms, and dissemination of information in response to inquiries from citizens and other agencies. The section also archives official documents, maintains DPDWeb, DenverGov, and PowerDMS.
2.81 **Police Garage Unit:**
The Police Garage Unit provides mechanical repairs outside the scope of those completed at the service center, as well as equipment installation and body shop repairs.

2.82 **Police Reserve Unit:**
The Police Reserve Unit’s primary purpose is to assist the police department in completing the police mission and to augment field strength. Reserve police officers are commissioned by the Executive Director of Safety as special officers to serve at the pleasure of the Chief of Police, without pay, and are authorized to carry firearms when acting in their official capacity as reserve police officers on authorized assignments or in accordance with their CCW Permit issued by the Chief of Police.

2.83 **Polygraph Unit:**
The Polygraph Unit personnel are trained with the highly technical and complex instruments and processes of a polygraph examination. Personnel conduct examinations of subjects involved in both criminal investigations and pre-employment screening.

2.84 **Prosecution Liaison:**
Responsible for reviewing documentation related to pending criminal cases, to ensure that prosecutors have the information necessary to make an appropriate charging decision. If the Prosecution Liaison determines that additional information is needed, they will be responsible for gathering that information and adding it to the case file.

2.85 **Public Affairs Section:**
The Public Affairs Section actively liaisons with the media in matters of department-wide and community concern. The section functions as the spokesperson for the Chief of Police and the department by providing news media and the community with information on department operations, as well as managing social media and video production. The Public Affairs Section includes the Legislative Liaison, Social Media Coordinator, PIO Unit, and the TV/Video Coordinator.

2.86 **Public Nuisance Abatement Unit:**
The Public Nuisance Abatement Unit coordinates, oversees and implements ordinances relating to nuisance abatement. Personnel focus the enforcement tasks from a variety of city agencies, including the police department, at target locations to include real property and vehicles.

2.87 **Quality Assurance Unit:**
The Quality Assurance Unit maintains the laboratory’s International Organization of Standards (ISO) requirements. In accordance with established forensic standards, the QA Unit ensures excellence of the sciences completed by each forensic unit per national and international standards. Additionally, the unit maintains all records relating to operations within the Forensics and Evidence Bureau.

2.88 **Real-Time Crime Center (RTCC):**
The Real-Time Crime Center assists in the identification and implementation of new technologies to benefit department operations and service to the community, including the staffing, maintenance and operation of the department’s body worn camera program. The RTCC provides real-time monitoring of incidents and provides investigative support. The RTCC includes the HALO Unit and Technical Electronic Support Unit.

2.89 **Records Unit:**
The Records Unit process and retain documents related to incidents officially reported to the police department. General Occurrence reports, Traffic Accident reports and other reports related to services provided by the police department are managed in this unit.

a. Pawnshop records are located within the Records Unit. Pawnshop records are maintained on all items received by pawn shop dealers and second hand-stores in the City and County of Denver; stolen items listed in General Occurrence reports; wanted files on lost or stolen property; and persons who buy or sell valuable articles, such as precious or semiprecious metals or stones.
b. Personnel complete computer data entry for non-electronic General Occurrence and accident reports, supplementary reports, and street checks.

c. The Records Unit enters auto theft records into NCIC/CCIC, and completes all other case file scanning (except for adult and juvenile arrests).

2.90 **RECRUITMENT UNIT:**

The Recruitment Unit is responsible for seeking qualified applicants to test with the Denver Civil Service Commission for entry and lateral officer positions. To complete this objective, the Recruitment Unit focuses on maintaining a presence within the community and developing community partnerships and efficient methods to communicate with potential applicants. While being highly knowledgeable in matters affecting recruitment, the unit is also a resource for those interested in seeking employment with the Denver Police Department.

2.91 **ROAD RAGE UNIT:**

The Road Rage Unit is responsible for reducing the incidence of aggressive driving, road rage, traffic accidents, as well as fatal and critical accidents occurring on the interstate system.

2.92 **ROBBERY/HOMICIDE SECTION:**

The Robbery/Homicide Section includes the Business Robbery Unit, Homicide Unit, Cold Case Unit, Night Shift Unit and Safe Streets Task Force.

2.93 **SCHOOL VIOLENCE UNIT:**

The School Violence Unit coordinates department activities and investigations between various investigative units, command personnel, school security and the Denver Public School District.

2.94 **SECONDARY EMPLOYMENT COORDINATOR:**

The Secondary Employment Coordinator is responsible for assuring that secondary employment performed by department members is in accordance with department policy.

2.95 **SERVICE CENTER UNIT:**

The Service Center Unit provides minor preventive maintenance service and repairs including but not limited to oil changes, tire replacement, emission testing, low mileage PMC vehicular maintenance services and vehicle washes.

2.96 **SEX CRIMES SECTION:**

The Sex Crimes Section includes the Sex Crimes Unit, Missing and Exploited Persons (MJEP) Unit, and Sex Offender Registration Unit.

2.97 **SEX CRIMES UNIT:**

The Sex Crimes Unit investigates all sex-related crimes involving non-position of trust victim(s)/suspect(s), all burglary/sexual assault cases, all kidnapping or attempted kidnapping cases involving juvenile victim(s), all stranger-to-stranger sexually motivated child abductions, all child enticement cases, police impersonation cases and harassment cases which are sexual in nature.

2.98 **SEX OFFENDER REGISTRATION UNIT:**

The Sex Offender Registration Unit maintains and assists convicted sex offenders with registration compliance, educating the public about personal safety precautions, and training designated law enforcement on registration, notification, verification, and community education procedures. The unit assists with any investigation of noncompliant sex offenders, including locating noncompliant and absconded sex offenders and issuing warrants for failure to register of noncompliant offenders.

2.99 **SHARED LEADERSHIP FOR INSTITUTIONAL DIVERSITY AND EQUITY BUREAU:**

The Shared Leadership for Institutional Diversity and Equity (SLIDE) Bureau works in collaboration with employees and community members to identify and eliminate barriers to diversity, equity, and inclusivity.
2.100 SOCIAL MEDIA COORDINATOR:
The Social Media Coordinator manages and maintains the department’s social media efforts.

2.101 SPECIAL EVENTS UNIT:
The Special Events Unit plans and coordinates all special events, parades, presidential or dignitary appearances, and other events where vehicular and pedestrian traffic management requires police assistance.

2.102 SPECIAL INVESTIGATIONS SECTION:
The Special Investigations Section includes the Fugitive Unit, Public Nuisance Abatement Unit, and Rocky Mountain Safe Streets – Fugitive Location and Apprehension Group (FLAG).

2.103 SPECIAL OPERATIONS BUREAU:
The Special Operations Bureau includes the Traffic Operations Section, METRO/SWAT Section, Bomb Unit, Air Support Unit, and the Explosive Detection K-9 Unit.

2.104 SPECIAL OPERATIONS RESPONSE TEAM
The Special Operations Response team includes the Gang Unit, RAVEN, and the ATF Task Force.

2.105 SWAT UNIT:
The SWAT Unit is comprised of officers trained in special weapons and tactics to handle barricaded persons, with or without hostages; civil disorders; VIP security; and the service of all high-risk warrants. At the direction of the Commander of Special Operations, personnel may be assigned to saturation patrol and other special assignments.

2.106 TECHNICAL ELECTRONIC SUPPORT UNIT (TESU):
The Technical Electronic Support Unit is responsible for assisting in the identification and implementation of new technologies to benefit department operations.

2.107 TELESTAFF COORDINATOR:
The TeleStaff Coordinator maintains the TeleStaff program, creates reports, provides daily support to individual officers and helps administer the TeleStaff Server. To protect personal information, the coordinator helps ensure that information in the database is secure. Additional duties include software enhancements and report design/creation.

2.108 TRAFFIC INVESTIGATIONS UNIT (TIU):
The Traffic Investigations Unit conduct investigations pertaining to fatal and serious injury traffic accidents, hit, and run accidents, police fleet accidents, police pursuits involving accidents, incomplete accident reports, and other traffic related matters requiring investigative follow-up. TIU personnel obtain warrants and file appropriate felony and misdemeanor charges resulting from the follow-up investigations. Personnel are also responsible for the processing, supervising and filing of Driving under the Influence (DUI) cases. They perform necessary equipment testing and provide expert testimony in court on the operation of the intoxilyzer, and maintain records pertaining to DUI arrests.

2.109 TRAFFIC OPERATIONS SECTION:
The Traffic Operations Section is responsible for the management of vehicular and pedestrian traffic throughout the city, including enforcement of traffic laws on streets and highways, investigation of traffic accidents and traffic related crimes and incidents, investigation of hazardous material incidents; regulation of the transportation of hazardous materials, hazardous material carriers and other commercial carriers, and the management of special events that require specialized traffic control.

2.110 TRAINING SECTION:
The Training Section consists of the Academy Unit, Firearms Unit, Recruitment Unit, and Reserve Unit.
2.111 **Volunteer Unit:**
The Volunteer Unit manages volunteers from throughout the local community as a means of supplementing department operations. Community members are screened, trained, and assigned to assist with a variety of department functions, giving the department an additional resource and private citizens the opportunity to give back to their community.

The Coordinator of the Volunteer Unit also oversees the Denver Police Chaplains Unit, an organization of volunteer clergy which serve at the pleasure of the Chief of Police. The unit is directed by the established Chaplains Operations Manual, providing voluntary spiritual and emotional guidance and counseling to all members of the Denver Police Department (sworn and civilian) and their families. Police chaplains also help with the overall community policing effort.

2.112 **TV/Video Coordinator:**
The TV/Video Coordinator produces professional videos to highlight department efforts, safety programs, events, and recruitment.

2.113 **Uniform/Stationery Supply Unit:**
The Uniform/Stationary Supply Unit is responsible for the requisition, storage, and allocation of issued uniforms and equipment to department personnel. The unit is responsible for the requisition and storage of necessary expendable stationery supplies.

2.114 **Vice/Narcotics Section:**
The Vice/Narcotics Section includes the Marijuana Unit, Interdiction Unit, Vice Unit, Excise and License Unit, and Safe Streets – Innocence Lost Task Force.

2.115 **Vice/Narcotics Task Force Section:**
The Vice/Narcotics Task Force Section is comprised of three multi-agency task forces, staffed by local, state, and federal law enforcement officers.

2.116 **Vice Unit:**
The Vice Unit enforces all local and state statutes related to prostitution, liquor licensed establishments, gambling and the illegal possession or sale of narcotics or other prohibited substances.

2.117 **Victim Assistance Unit:**
The Victim Assistance Unit provides 24-hour on-scene crisis response when required or necessary for crimes investigated by the Denver Police Department as well as non-criminal incidents that result in a DPD response, including stark misfortune (e.g., natural death, suicide, traffic fatality, child death, human-made or natural disaster, etc.). Personnel also aid, support and provide referrals to crime victims, witnesses and their families, and liaison between the police department, community organizations and victims.
3.00 GENERAL DUTIES AND RESPONSIBILITIES OF ALL SWORN PERSONNEL

IN THE PERFORMANCE OF THEIR DUTIES, ALL DENVER POLICE OFFICERS WILL:

3.01 AUTHORITY:

Have authority as a peace officer, stipulated in Colorado Revised Statute 16-2.5-101, whether on- or off-duty. Exceptions are an officer who has been relieved of duty by the Chief of Police (or designee), or other laws specifically limiting police authority or actions. Police officers are always subject to orders from a supervisory officer. Officers may request through Denver 911 that the matter be handled by on-duty officers, but will take such police action as may be required prior to the arrival of on-duty officers. See D&R 3.32.

3.02 DEPARTMENT RULES, REGULATIONS, DIRECTIVES AND ORDERS:

Study and/or understand, and comply with department rules and regulations, the operations manual, applicable directives, procedures, and issued orders. Officers will:


b. Study and have considerable knowledge of city ordinances; as well as state and federal laws which they may be required to enforce.

c. Obtain the assistance of their supervisory officer in the interpretation of any action that is not clearly understood.

d. Be well informed about the rules, regulations, procedures, and duties governing their specific assignments.

3.03 PRIMARY FUNCTION:

Preserve the peace, protect life and property, prevent crime, apprehend criminal suspects, recover lost or stolen property, enforce criminal and traffic ordinances and regulations of the City and County of Denver and the laws of the State of Colorado in a fair and impartial manner, and uphold the Constitution of the United States of America. The responsibility to make a forcible arrest and perform other necessary physical tasks is a specific duty and responsibility of each officer, regardless of rank and/or assignment, and regardless of the frequency upon which an officer is called upon to perform such physical tasks.

3.04 SERVING THE PUBLIC:

Serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. Officers will respect and protect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, fairness, and sound judgment.

3.05 IMPARTIAL ATTITUDE:

In the performance of all phases of police work, a positive, impartial attitude must be displayed. Personal interest in cases should not be indicated other than that necessary to successfully carry out the “Police Mission.” Impartial attitudes are of special importance in the following matters:

a. Court appearances, verdicts, and procedures.

b. Labor management disputes.

c. Neighborhood disturbances.

d. Racial issues.

e. Accident investigations.
3.06 **COURTESY:**
At all times be courteous and civil to the public and to one another. Officers will be orderly, attentive, respectful, and will exercise patience and discretion in the performance of their duties.

3.07 **REPORTING CRIMES AND SIGNIFICANT EVENTS:**
Report all crimes, significant incidents, and other information of concern coming to their attention. They will not repress, conceal, or distort the facts of any such incident. Officers will take appropriate action based on information communicated to them, and will complete required reports and make appropriate notifications, either within the department or to an outside entity.
- Officers will make reports promptly and in the manner prescribed by reporting procedure. They will not make a false report, either orally or in writing. Officers who receive assistance from any other officer on a case to which they are assigned will note the assistance on their reports.

3.08 **REPORTING A POLICE EMERGENCY:**
Officers will immediately report a police emergency coming to their attention to the police dispatcher.

3.09 **INJURING PERSONS OR DAMAGING PROPERTY:**
Notify the Civil Liability Section, through the chain of command, if they injure a person or damage any property. Personnel will also notify a supervisor and follow all reporting requirements.

3.10 **LEAVING THE CITY AND COUNTY OF DENVER:**
Not go outside the City and County of Denver, or drive or take departmental equipment outside the City and County of Denver except:
- a. In cases of fresh pursuit.
- b. When sent by proper authority on the request of the sheriff or chief law enforcement officer having jurisdiction.
- c. When there appears to be an emergency and urgent need for assistance.
- d. When authorized by a supervisory officer.

*Traveling on streets that serve as boundaries between the City and County of Denver and other jurisdictions is not a violation of this policy. Traveling through other jurisdictions that are near border areas of Denver, either by necessity or as a means of more efficiently responding to police related matters is not a violation of this policy.*

3.11 **LEAVING GEOGRAPHIC AREA OF RESPONSIBILITY:**
If applicable by assignment or supervisory direction, not leave their general geographic area of responsibility, except when:
- b. Authorized by their supervisor (they will advise their supervisor or commanding officer as to the time of departure and return, and the nature of the business).
- c. On an authorized break and in close proximity to their general geographic area of responsibility.
- d. Directed by their supervisor.

3.12 **VERBAL REPORTS OF CONSEQUENCE:**
Confirm verbal reports of consequence by completing written communications before going off duty.

3.13 **PERFORMANCE OF DUTIES:**
Thoroughly acquaint themselves with the duties of the office, position, and assignment which they hold and properly perform such duties. In cases of neglect, failure or inability to perform their duties, officers may be subject to disciplinary action.
3.14 **MAINTAINING HIGHEST STANDARD OF EFFICIENCY AND SAFETY:**
Carry out department functions and coordinate their efforts in such a manner as will establish and maintain the highest standard of efficiency and safety.

3.15 **PERFORMANCE IN TIME OF PERIL:**
Perform their duties with firmness and determination. In time of peril, they will act together, assisting each other in the restoration of peace and order in the enforcement of the laws and apprehension of offenders.

3.16 **TAKING APPROPRIATE ACTION ON REPORTS, INQUIRIES AND COMPLAINTS:**
Take appropriate action on reports, inquiries and complaints, except when circumstances make it necessary for them to immediately act on another urgent matter, report the matter, or refer the complainant to a more suitable unit or agency. Officers will fulfill proper requests for information or assistance, or aid persons by obtaining the requested information or assistance. Officers will avoid giving the impression they are evading their duty, or are disinterested in the problems of persons who are referred elsewhere for service. Officers will not belittle a seemingly trivial request, complaint, or piece of information, but will always thank the complainant or informant, regardless of the value of the information received.

3.17 **CRIMES, DISORDERS, ACCIDENTS, AND OTHER SITUATIONS REQUIRING POLICE ATTENTION:**
Act promptly, with energy, firmness, and decisiveness at the scene of crimes, disorders, accidents, and other situations requiring police attention, in dealing with suspects, and in completing their assignments. When the police purpose might be jeopardized by delay, appropriate immediate action will be taken, even though the incident would ordinarily be addressed by a different officer or bureau. All officers, regardless of rank or assignment, will maintain themselves in such physical and mental condition as is necessary to take immediate action when required.

3.18 **TEMPORARY POSITIONS OUTSIDE THE DENVER POLICE DEPARTMENT:**
Adhere to the rules, regulations, duties, and procedures outlined in the operations manual when assigned to temporary positions outside the Denver Police Department.

3.19 **OCCASIONAL ASSIGNED DUTIES:**
Perform such other duties as may be occasionally assigned by their supervisor or commanding officer. The duties set forth in the manual for various department positions will not be considered all inclusive.

3.20 **ACCESS TO DEPARTMENT RECORDS:**
Not have access to department records and report files unless authorized.

3.21 **PROPERTY AND EVIDENCE:**
Ensure property and evidence is handled according to policy.

3.22 **POLICE LIBRARY:**
Return to the police library at the police academy all checked-out material within the prescribed time.

3.23 **COMPLETING ASSIGNED TOUR OF DUTY:**
Complete their assigned tour of duty unless excused or relieved of duty by a supervisor or command officer.

3.24 **OBEYING LAWFUL ORDERS OF RANKING OFFICERS AND POLICE DISPATCHER:**
Obey, issue, and enforce the lawful orders of ranking officers, and promptly answer and execute orders given by a police dispatcher. Officers who receive such an order and doubt its legitimacy will carry out the order and then contact their supervisory officer, explaining the circumstances. Supervisors and commanding officers may countermand a dispatcher’s orders. They will perform all duties required of them by ranking officers, whether such duties are specifically assigned to them by departmental rules and regulations, the operations manual, or written directives.
3.25 **Officers Responsible to One Supervisory Officer:**
As a general rule be required to take direct orders from and be directly responsible to one supervisory officer. Supervisory officers, however, will exercise direct command over officers lower in grade outside their usual command in all situations where the police purpose or the reputation of the department is jeopardized.

3.26 **Senior Officer Assuming Responsibility:**
In unusual or emergency situations where a supervisory officer is not present, the senior officer present or assuming responsibility by radio or other communication is in charge.

3.27 **Conflicting Orders Issued by a Ranking Officer:**
When given an order conflicting with any previous order issued by any other ranking officer, or with any departmental order or provision of the operations manual, the officer to whom such order is issued will respectfully call attention to the conflicting order. If the ranking officer giving the order does not make changes to resolve the conflict, the order will stand and responsibility will be his or hers. The officer obeying the order will not be held responsible for disobedience of the prior order. It is sufficient for him/her to know that the person giving the order is in proper command. Should any lawful order appear unjust or improper to the officer to whom it is directed, he/she will carry out the instructions first, and afterward may call the matter to the attention of his/her commanding officer.

3.28 **Orders to Be Carried Out to the Degree Possible:**
When given any order or directive by a supervisor which, by its nature or by mitigating circumstances, cannot be carried out will be complied with insofar as possible and a report of the circumstances will be made (in writing when appropriate) to the supervisor from whom it was issued as soon as practical. Nothing in this procedure will be interpreted to exempt any member from taking appropriate police action in the face of an emergency.

3.29 **Chain of Command:**
Follow the chain of command except in emergencies or circumstances where informal communications do not interfere with or disregard supervisory and command authority.

3.30 **Reporting for Duty:**
Report in person to their assignment at the beginning of their tour of duty and at such hours as may be designated by their commanding officer, unless excused by proper authority. When authorized duties prevent reporting in person, they will report by phone or other method approved by their supervisor at the time of arrival and departure.

3.31 **Temporary Supervisory Position (Acting Assignments):**
When assigned, serve in a temporary supervisory position (acting assignments):

a. Acting assignments will be made only when essential to the functioning of a division, bureau, district, section, or unit to have an officer with full supervisory or command authority immediately available for an entire shift to perform supervisory or command functions.
   1. Acting assignments will not be made when sufficient supervisors assigned to the bureau, district, section, or unit are working and can be called upon when necessary.
   2. District/Bureau commanders are responsible for ensuring that acting assignments are made only when necessary.

b. Acting assignments can only be authorized by the Chief of Police, the Deputy Chief, division chiefs, commanders, and/or captains/CS directors. Authority to make an urgent temporary acting sergeant assignment may be delegated to lieutenants.

c. An officer will temporarily be vested with all the authority and responsibilities of the supervisor, but the acting officer will not interfere with, countermand, or modify the orders previously issued.
by the supervisory officer, except in emergency.

d. An officer so assigned, when called upon to affix their signature to any official paper or report, will use their temporary official title.

e. Any officer temporarily assigned to a rank higher than that which he/she currently holds will be compensated at the rate of pay of the higher rank for the time he/she is assigned and assumes the duties of the higher rank.

f. Officers may be temporarily assigned to a rank or assignment no more than one step higher than their current rank with the following exceptions:
   1. A district or bureau commander may, with the approval of his/her division chief, assign a lieutenant to the position of acting commander in his/her absence.
   2. A Division Chief of Police may, with the approval of the Deputy Chief of Police, assign an officer holding the civil service rank of lieutenant, captain, or commander, to the position of acting division chief in their absence.

g. Any officer who, for a period of four (4) hours or more is temporarily assigned by his/her supervisor to a rank higher than what the officer currently holds and assumes the duties of that higher rank will be compensated at the rate of pay of the higher rank for the entire duty shift in which he/she is so assigned. If during the period of temporary assignment, the officer works overtime, the officer will receive the overtime rate of pay at the officer’s existing pay rate.

h. Officers will receive acting pay for those days when they are physically present at work, but will not receive acting pay for those days on which they are on special assignment, on an excused day or regular day off.

i. Acting assignments will be properly entered and approved in TeleStaff.

3.32 Off-Duty Actions:

When off-duty, officers should use discretion in exercising police authority to make an arrest or direct the actions of other persons. Considerations include the availability of qualified assistance or communications to summon assistance (cell phone, radio, etc.), access to critical equipment, the threat to public safety if intervention does or does not occur, whether the officer is armed, persons present who may interfere, resist or assault the officer, and the serious or minor nature of the incident or crime.

a. When considering intervention:
   1. If there is a reasonable and viable alternative, officers should refrain from taking enforcement action when out of uniform. Calling 911 or using a radio to summon uniformed officers and serving as a good witness rather than intervening (unless someone’s life or personal safety is at risk) may be appropriate.
   2. If intervention or taking a police action is necessary, when possible and practical officers should call 911 or use a police radio to alert other police officers to their presence and situation. Officers should indicate whether they are armed, and provide a physical and clothing description (uniform or description of plain clothes).
   3. When taking a police action in plainclothes, officers should display their badge prominently; especially when their weapon is drawn and visible (when practical keep the badge close to the firearm).
   4. Officers should communicate frequently their identity as a police officer in a loud and clear voice.

b. When confronted by uniformed officers, the off-duty officer will:
   1. Obey the commands of the challenging officer, including a command to drop their weapon. Do not make any movement without permission of the challenging officer; regardless of their rank or position. The responding uniformed officer is in command.
2. Assume all commands are addressed to both the suspect and yourself. Officers should lock themselves in position and not move.

3. Resist the natural tendency to turn towards the voice that is confronting them, as even the turn of their head may cause their weapon to move, thus causing the confronting officer to feel threatened.

4. Use their voice to identify themselves loudly and clearly as a police officer.

c. Challenging officers will:
   1. Make clear and audible commands to all individuals present. If necessary, direct commands to specific individuals by addressing them by their physical description.
   2. Recognize that the person who appears to look like a criminal suspect may well be a police officer.
   3. When possible and practical, use cover. With cover, officers may have more time to identify a person as an off-duty police officer taking a police action.
   4. Broaden their focus from the gun. Listen, look, and analyze a wide array of clues to understand the situation quickly.

3.33 Certifications:
Maintain their training certifications (e.g., Standardized Field Sobriety Test, Drug Recognition Expert, etc.) as required by the department and/or current assignment. When necessary, officers may seek the assistance of the Training Section and/or their bureau, district, or section commanding officer (or designees) in arranging for instruction, or locating training resources for the maintenance of certifications required of the officer’s current assignment.

4.00 General Duties and Responsibilities of Supervisory Officers (Sworn Rank of Sergeant or Higher)

Some of the following duties and responsibilities are not applicable to all supervisory officer assignments.

In addition to the duties of sworn officers (applicable functions may appropriately be handled by, or delegated to lower level ranks), supervisory officers will:

4.01 Accept Responsibility in Matters Not Covered by Hard and Fast Rules of Procedure.

4.02 Responsibility for Subordinates:
Be responsible to their immediate supervisor for the general conduct, efficiency, performance of police duties, and all aspects of police service rendered by their personnel. They will have immediate control of personnel under their supervision and are responsible for their personal appearance, the condition and appearance of their uniforms and equipment, and maintaining respect and discipline.

4.03 Compliance with Department Policies and Setting an Example:
They will comply with department policies and set an example in sobriety, dignity, courtesy, discretion, initiative, industry, diligence, truthfulness, courage, professional appearance, attention to duty, and the observance of proper discipline.

4.04 Responsible for Proper Execution of Orders By Personnel:
Be responsible for the proper execution of orders by their personnel. The fact that an order has been given is not acceptable as an excuse when that order is not carried out by a subordinate.

4.05 Exercising Direct Command Over Lower Ranking Officers Outside Usual Command:
Exercise direct command over lower ranking officers outside their usual command in all situations where the purpose or reputation of the department is jeopardized, but will not unnecessarily give orders to...
personnel not assigned to their command. Whenever orders that are given are important or require the subordinate receiving them to leave their regular post or assignment, the supervisory officer giving the orders will, as soon as practicable, inform the employee’s immediate supervisor or commanding officer.

4.06 **WILLFUL NEGLECT OF DUTY OR MISCONDUCT BY EMPLOYEES OUTSIDE THEIR COMMAND:**
Bring to the attention of the involved employee’s supervisor if they observe or are informed of any willful neglect of duty or misconduct by an employee not assigned to their command. When the reputation of the department or best interests of the community requires immediate action, supervisory officers will take necessary corrective action and then notify the employee’s immediate supervisor or commanding officer at the earliest possible time. The officer’s immediate supervisor or commanding officer will immediately investigate and take appropriate action.

4.07 **NOT PERFORMING DUTIES ASSIGNED TO SUBORDINATE:**
Not perform the duties regularly assigned to a subordinate employee when the employee is available to perform them; however, regardless of rank they will take proper action in police matters coming to their attention.

4.08 **ADVISING AND INSTRUCTING PERSONNEL:**
Familiarize themselves with the operations manual, procedures, directives, rules and regulations, city ordinances, and state and federal laws to competently advise and instruct personnel in the proper performance of their duties. Supervisors will serve as a resource and when appropriate, instruct officers in the application of the operations manual, information provided in training bulletins and directives, the laws of arrests and evidence, and in the appropriate application of force. Supervisors will assist and instruct officers under their supervision in the proper discharge of their duties.

4.09 **ENSURING EMPLOYEES COMPLETE REQUIRED REPORTS:**
Ensure that employees reporting to them complete all required reports promptly, accurately, thoroughly, on the correct templates or forms, and properly route them. As often as is practicable, supervisors will examine reports, records, and daily logs (if applicable) of their officers to ensure proper records are made of all police matters reported to them.

4.10 **REQUESTS FOR TRANSFER, GRIEVANCES OR SUGGESTIONS:**
Forward immediately through channels all written communications from assigned employees requesting a transfer or containing a grievance or suggestion.

4.11 **DUTY ASSIGNMENTS ON PERSON:**
If applicable by assignment, carry on their person while on-duty, the duty assignment of each employee immediately reporting to them.

4.12 **PROMOTING APPROPRIATE ENVIRONMENT:**
Promote and maintain an environment of positive morale, harmony among ranks, commitment to the department’s mission and esprit de corp.

4.13 **EXERCISING AUTHORITY:**
Exercise their authority with kindness, firmness, justice, fairness, respect, and reason.

4.14 **MERITORIOUS SERVICE BY SUBORDINATES:**
Submit to their immediate supervisor a factual report of meritorious service on the part of an employee who reports to them. See OMS 503.03.

4.15 **STARTING TOUR OF DUTY:**
When starting their tour of duty, familiarize themselves with new policies, issues, and relevant information items.
4.16 **Punctual Attendance of Subordinate Personnel:**
Be responsible for the punctual attendance of all personnel within their command and will ensure that officers input all required records into the TeleStaff program (e.g., days worked, days off, overtime, court time, sick time, etc.)

4.17 **Assisting with Cases:**
Assist personnel when necessary in the preparation of cases moving through the criminal justice system. When in doubt as to law, procedure, or status of a case, supervisory officers will consult with suitable authority.

4.18 **Preparing Performance Evaluations:**
Prepare performance evaluations for each of the officers under their direct supervision at such intervals, and upon such form, as may be required by the Chief of Police.

4.19 **Reporting Important Matters to Supervisor:**
Call all matters of importance to the attention of their immediate supervisor or commanding officer.

4.20 **Informing Oncoming Supervisor:**
If applicable by assignment, prior to completing their tour of duty, inform the supervisory officer coming on duty of any significant event.

4.21 **Gatherings of Large Numbers of Persons:**
Strive to be fully and accurately informed of meetings and gatherings likely to attract large numbers of persons, and take such steps as may be necessary to ensure proper police service at such assemblages.

4.22 **Treatment and Welfare of Arrestees / Detainees:**
Be responsible for the treatment and welfare of persons in their custody. Under no circumstances will they cause or knowingly permit inappropriate force to be used against arrestees / detainees by employees who report to them.

4.23 **Arrestees in Need of Medical Attention:**
When aware of an arrestee in need of medical attention, they will take steps to make it available at the earliest reasonable and practical time.

4.24 **Investigation of Misconduct:**
Investigate or cause to be investigated, all complaints of misconduct, incompetence, neglect of duty, or violations of department policy or rules and regulations on the part of employees within his/her immediate command as specified in OMS 503.01. Supervisory officers will ensure that all evidence relating to alleged violations is discovered and properly documented. They will also report to their immediate supervisor, ineffective personnel detailed to their command. This report will include recommendations as to the action to be taken. Minor single event subordinate performance or behavior issues not rising to the level of a policy violation may be addressed by supervisory officers without requiring a written report.

4.25 **Presence at Roll Call:**
If applicable by assignment, be present at the regular roll call of personnel and inform them of all special duty assignments, orders, and instructions to ensure all duties are performed and orders carried out unless otherwise directed. When assigned as commanding officer or acting in that capacity, they may delegate this responsibility to a lower ranking officer.

4.26 **Patrolling Geographic Area:**
If applicable by assignment and when time and circumstances permit, patrol their geographic area of responsibility to:
   a. Be informed of relevant public safety issues
   b. Determine whether police duties are being properly performed.
c. Ensure the efficient handling of all calls for service directed to them and officers under their supervision.

4.27 RESPONSIBILITY WHILE IN PRESENCE OF HIGHER RANKING OFFICER:
Not be relieved from responsibilities and duties regularly assigned to them when in the presence of another officer with higher authority. In such instances they will assist and supervise personnel under the direction of the officer in command.

4.28 INSPECTION OF PERSONNEL AND EQUIPMENT:
Make a careful inspection of officers under their supervision, together with all vehicles and other department equipment assigned to their use, to ensure they are properly uniformed (if applicable by assignment) and equipped for duty. If any are found improperly uniformed, equipped, or unfit for duty, such fact will be reported at once to their immediate supervisor.

4.29 OBSERVATION OF ACTIVITIES AND OFFICERS:
Routinely observe and follow up the activities of officers under their supervision.

4.30 OFFICERS TO BE AVAILABLE FOR CALLS:
If applicable by assignment, ensure that officers are in-service, available for calls and communication by radio, and not unnecessarily stationary.

4.31 OFFICER ABSENCE / FAILING TO REPORT:
Make diligent investigation into the cause of an officer being absent from their geographic or facility assignment, or who fails to report regularly. Supervisors will promptly report the results to their commanding officer.

4.32 RESPONSE TO CRITICAL INCIDENT AND EMERGENCIES:
If applicable by assignment, respond when appropriate to any critical incident or emergency occurrence of a serious or unusual nature within their geographic or functional area of responsibility. A responding supervisor will assume command unless other personnel with higher authority or geographic / functional responsibility are in command. Supervisors will, when appropriate, notify their commanding officer at the earliest reasonable time. Supervisors will, if necessary, arrange for assistance according to procedures in the Emergency Procedure Plan.

4.33 OFFICERS DETAILED TO PUBLIC GATHERINGS, SECURITY AND SPECIAL DUTIES:
If applicable by assignment, when time and circumstances permit, visit and pay particular attention to all officers under their supervision or area of responsibility detailed to public gatherings, security and other special duty as often as practicable. Whenever practical, sergeants will make necessary provisions for the relief of such personnel when the length or nature of the detail is such that unreasonable personal discomfort would result if relief were not given.

4.34 CONTACTING OFFICERS DURING TOUR OF DUTY:
If applicable by assignment and when time and circumstances permit, routinely contact all officers under their supervision while they are handling calls, during each tour of duty. Supervisors will observe the manner in which their officers respond to and handle calls for service, noting their degree of promptness, efficiency, professionalism, and competence.

4.35 EMPLOYEES OUT OF CONTACT:
When an employee is out of contact without good reason, or there are unusual or extended requests for being out of service, supervisors will investigate and report the results to their immediate supervisor.

4.36 WORK HOURS:
Work identical hours, and/or shifts with officers and employees who report to them, unless otherwise authorized by their commanding officer.
4.37 **Patrol Functions:**
Devote their duty time to patrol functions, supervising the activities of lower ranking officers when time and circumstances permit, and if applicable by assignment. Exceptions to this rule may be designated by their immediate supervisor.

4.38 **Disposition of Officers Going Off Duty:**
If applicable by assignment, be responsible for the disposition of all officers scheduled to go off duty. They will ensure that all officers are accounted for, and if any irregularities are noted, take immediate steps to locate such personnel. If an officer is unaccounted for, a supervisor will also:

a. Notify superior officers.
b. Notify supervisors of the oncoming shift (if applicable).
c. Ensure other appropriate measures and notifications are made.

4.39 **Overtime Use:**
Be responsible for the discretionary use of overtime. Officers assigned to a call for service at the end of their tour of duty that requires considerable time to complete, will be relieved by the oncoming shift when such action will not jeopardize the proper completion of the call.

4.40 **Adverse Reports on Officer Under Their Supervision:**
When appropriate, document in writing to their immediate supervisor adverse reports on any officer under their supervision. When deemed appropriate, any investigative or corrective actions will be forwarded by the district or bureau commanding officer through channels to the Chief of Police.

4.41 **Assisting Police Training Officers:**
Assist police training officers (PTO), regarding the evaluation of probationary officers and the preparation of their performance reports, if necessary and if applicable by assignment.

4.42 **Assisting Supervisors With Probationary Performance Evaluations:**
If applicable by assignment, assist other district supervisors with performance evaluations of each probationary police training officer.

4.43 **Secondary Employment in TeleStaff:**
Periodically review TeleStaff to be informed of secondary employment police work performed by their subordinates to ensure that officers are in compliance with OMS 114.00, Employment outside the Police Department. Supervisors will ensure that officers and employees update TeleStaff to reflect current addresses and phone numbers.

4.44 **Identifying and Addressing Subordinate Performance Deficiencies:**
Continuously examine areas of the police operation under their purview and assume the duties and obligations of their rank in taking proactive measures to identify performance deficiencies of personnel under their command.

Proactively develop and implement effective interventions to correct subordinate performance or behavioral issues or problems and initiate disciplinary action when appropriate. Unless mandated by policy, a supervisory officer must not look to higher authority to take corrective action when performance deficiencies are detected. They will monitor the Early Identification and Intervention System (EIIS) and identify subordinate personnel under their supervision who exhibit performance or behavior contrary to the mission, vision, values, goals, policies or procedures of the department.

Options to address deficiencies include but are not limited to performance plans, informal investigations and journal entries.

4.45 **Subordinate Transfers:**
Upon transfer of a subordinate to a new assignment, the previous supervisor will ensure that sufficient
information, including but not limited to written documentation, PAS reviews, performance improvement
plans, and other pertinent information is provided to the new supervisor for successful completion of
improvement processes.

4.46  **INAPPROPRIATE FAMILIARITIES WITH SUBORDINATES:**
Not indulge in inappropriate familiarities with subordinates.

4.47  **LAXITY AND INDIFFERENCE BY SUBORDINATES:**
Not permit laxity and indifference to be shown by their personnel in the performance of their duties.

4.48  **SERVICE OF SUBPOENAS:**
When the responsibility is delegated to them, ensure that prompt personal service and proper returns are
made on all applicable summonses, subpoenas, writs, and other official papers. They will direct
personnel under their supervision to access and use the on-line subpoena system for all subpoenas not
personally delivered or served.

5.00  **GENERAL DUTIES AND RESPONSIBILITIES OF COMMAND OFFICERS (SWORN RANK OF LIEUTENANT OR HIGHER)**

Some of the following duties and responsibilities are not applicable to all command officer
assignments.

In addition to the duties of sworn officers and supervisors (applicable functions may
appropriately be handled by, or delegated to lower level ranks), Command Officers will:

5.01  **MISSION, VISION AND VALUES**
Be guided by the mission, vision, values, and goals of the department as the foundation for their decision
making, management, and leadership of their commands.

5.02  **DIRECT SUPERVISION AND CONTROL OVER OFFICERS AND CS EMPLOYEES:**
Subject to the orders of the Chief of Police and their immediate supervisor, be responsible for direct
supervision and control over all officers and CS employees assigned to their command. They are
responsible for efficiency and effectiveness, and will coordinate the functions and activities of units under
their command. They will promote harmony among their personnel and are responsible for the
cooperation of their command with all other divisions, bureaus, districts, sections, and units.

5.03  **DELEGATION DURING ABSENCE:**
Ensure that during their absence, a competent officer (generally holding the next highest grade) will
assume temporary command within their district, bureau, shift, section, or unit.

5.04  **ASSIGNMENT OF OFFICERS:**
Without specific instructions establish or cause to be established the required details and assignments
necessary to carry out the functions of their command. They will be guided by the number of available
officers and necessity for assigning officers where they will be the most useful and efficient. They will
approve period details to assure that they are adequately supervised and that the assignments are
properly filled.

5.05  **MAKING ACTING ASSIGNMENTS:**
Assign an officer temporarily to the duties of an employee of higher grade as needed.

5.06  **COMPLIANCE WITH OPERATIONS MANUAL:**
Not countermand the operations manual without sufficient reason.

5.07  **RESPONSE TO EMERGENCIES OR SERIOUS/UNUSUAL OCCURRENCES:**
When on-duty or on-call and notified, respond to any emergency or occurrence of a significantly serious
or unusual nature within their area of responsibility, in accordance with the operations manual. If their presence at the office would be of more value, they will ensure a subordinate officer takes command at the scene. They will also, whenever possible, respond when their personnel are involved in controversy or serious occurrence.

5.08 **SERVICE OF SUBPOENAS:**

Be responsible for, or delegate the prompt service of all hard copy official notices of subpoenas to subordinates which may be sent to them by proper authority.

5.09 **RESPONSIBILITY FOR FACILITIES AND EQUIPMENT:**

Be responsible for the good order and sanitary condition of departmental buildings and resources within their command. They are responsible for the proper care, economical use, efficiency and serviceability of departmental property issued or assigned to personnel of their command.

5.10 **PROBATIONARY OFFICER PERFORMANCE EVALUATIONS:**

Ensure that first line supervisors have created an evaluation for each probationary officer and are making at least one journal entry per work period. Concerns about performance or suitability of the probationary officer for continued employment will be documented within the performance evaluation system and the commanding officer’s immediate supervisor will be kept informed.

5.11 **ANALYSIS OF CRIMINAL, TRAFFIC AND OTHER TRENDS:**

Be responsible for analysis of criminal, traffic and other trends, and evaluating the effectiveness of techniques and procedures used to address such issues within their area of responsibility.

5.12 **CORRESPONDENCE, REPORTS AND RECORDS:**

Be responsible for preparation of required correspondence, reports, and maintenance of records relating to the activities of their command.

5.13 **PREPARING FOR ANNEXATIONS:**

Upon receiving plats of territories to be annexed to the City and County of Denver, review and discuss needs in providing police service to the annexed area. Command officers will make a thorough investigation and analysis to determine challenges and staffing needs to deter crime and provide police service. Issues to be addressed include but are not limited to future police service needs, and acquainting the community in the new areas to be annexed with available police services. A final written report with recommendations will be forwarded through the chain of command to the Chief of Police.

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**RANK AND ASSIGNMENT SPECIFIC**

6.00 **DUTIES AND RESPONSIBILITIES OF PATROL OFFICERS**

In addition to the duties of all sworn officers, Patrol Officers will:

6.01 **CARRYING OUT DEPARTMENT FUNCTIONS:**

Be responsible for carrying out the functions of the department and will constantly direct their best efforts to accomplish that end intelligently and efficiently, in readiness at all times to answer calls for service.

6.02 **RESPONSIBILITY FOR ASSIGNED AREA:**

a. Be held accountable for the good order of the district, precinct, or post to which they have been assigned. They will give their whole attention to their duties at all times.

b. Thoroughly familiarize themselves with their district or precinct, learning the location of streets, alleys, businesses, residential areas, parks, and various other locations and points of interest.

c. Familiarize themselves with people on their post and in their precinct. When possible they will
develop positive relationships and become informed of criminal activity and other issues affecting the community’s quality of life. They will familiarize themselves with the varied activities of their post or precinct as a means of recognizing unusual or suspicious activity, and will investigate such incidents accordingly.

d. When available time and circumstances permit, continuously patrol throughout their precinct or post as often as possible, giving particular attention to and frequently rechecking locations where the crime rate is elevated.

e. To the degree possible, will not patrol their precinct or post according to any fixed route or schedule, but will alternate frequently and backtrack in order to be in a location least expected.

f. Remain in their respective posts or precincts until fifteen minutes before the end of their shift.

6.03 Police Mission:
Accomplish the police mission within their district or precinct, constantly directing their best efforts toward the professional, ethical, and efficient completion of that end.

6.04 Incident Reporting - Investigations - Appropriate Action:

a. Report to the dispatcher all dead animals found upon public property, the location of traffic signal lights which are out of order, and street lights that are not functioning properly.

b. Immediately report any fire they observe or is reported to them, and when available respond to all fire calls within their post or precinct.

c. Upon sight or receipt of information from any source of a serious accident, crime or other occurrence requiring police attention, immediately respond and give such assistance or take such action as circumstances may require.

d. Investigate all complaints and cases which are assigned to them or which are brought to their attention, and take appropriate action in those cases which come under the jurisdiction of the Denver Police Department. They will interview a complainant or informant, maintaining confidentiality and his/her identity when appropriate. They will take all necessary and reasonable actions to satisfy involved persons, and will make reports as required by policy.

e. Investigate traffic accidents and complete required reports and enforcement actions.

f. Observe persons whom they encounter and investigate suspicious incidents and behavior that may indicate a crime has occurred, is occurring, or is about to occur.

6.05 Proper Bearing:
Maintain an alert, professional, and courteous manner. They will not conceal themselves except for a reasonable and specific police purpose.

6.06 Loitering About Police Facilities, Public or Private Buildings:
While on-duty, not loiter in or about police facilities, public or private buildings, or other locations without a viable police purpose.

6.07 Rendering Assistance Within City & County of Denver:
Give assistance in the protection of persons and property anywhere within the City and County of Denver, if called upon in any situation requiring immediate attention. At first opportunity and when appropriate, they will report to their supervisory officer the fact that they left their post or precinct and the reason for doing so.

6.08 Short and Long Breaks:
Request clearance from the dispatcher for short and long breaks and will state their location. If approved, the dispatcher will acknowledge and hold them out on the air at their location.
6.09 **CRIME PREVENTION:**

a. Advise business owners and employees regarding suitable crime prevention and other security measures. They will urge cooperation with the police in reporting all suspicious persons and situations.

b. Use lawful and necessary means to prevent the commission of crimes, including the suppression of vice and narcotics activity within their post or precinct. They will report to their supervisor buildings or locations being used for criminal activity.

c. When time and circumstances permit, they will give particular attention to places where criminal activity is believed to occur and persons suspected in crimes are known to congregate. They will use every lawful, appropriate, and necessary means to suppress illegal activities.

d. At locations where large crowds are assembled, preserve order and prevent the commission of crimes, the blocking of traffic, and the destruction or damaging of property.

6.10 **BUSINESS AREA PATROL:**

At night and during the time businesses are closed, give particular attention to businesses and vacant or unoccupied buildings and dwellings, or residents and people who have requested police service. They will frequently examine and check accessible points of entry, and will investigate suspicious and unusual circumstances. In the daytime they will examine in a like manner vacant or unoccupied buildings and dwellings on their post or precinct.

6.11 **MOTOR VEHICLES:**

Give particular attention to motor vehicles, being alert for vehicles that have been stolen or used in the commission of a crime, or that are improperly operated or illegally parked.

6.12 **CONDITIONS WHICH TEND TO ENDANGER OR INCONVENIENCE THE PUBLIC:**

Take notice of nuisances, impediments, obstructions, defects, or other conditions in or adjacent to the streets, alleys, and public places, which tend to endanger the health, safety, or convenience of the public.

6.13 **RECORDS MANAGEMENT:**

At or before the completion of their tour of duty, route or submit all reports concerning their police activities through established records management procedures. The filing of these reports will not be left until the following day.

6.14 **OUT OF SERVICE ACTIVITIES:**

Conduct out-of-service activities or other non-police functions only where telephone, cell phone, or radio contact is available (rare exceptions such as court appearances may occur), and when appropriate, after the dispatcher has been notified. All such out of service activity is subject to the approval of the dispatcher or a supervisor.

6.15 **IN-SERVICE CALLS:**

Be available by radio and subject to answering calls for service when handling in-service calls as designated by the dispatcher. In-service means subject to answering radio calls.

6.16 **CALLS FOR SERVICE TOWARD END OF SHIFT:**

Upon receiving calls for service within a few minutes of their relief time, take the call. With the knowledge and consent of their supervisory officer, such calls may be assigned to the oncoming shift. This procedure will apply to calls of a minor nature where a short delay will not jeopardize the proper handling of the call or cause unnecessary inconvenience for the complainant. The consenting supervisor will inform the dispatcher of the action taken.

6.17 **COURT APPEARANCES:**

a. When scheduled to appear in court, notify their supervisor or commanding officer at or prior to roll call so that arrangements can be made, if possible, for their relief during this period.
b. When working a two-officer assignment, arrange for court appearances by only one of the officers where such procedures do not jeopardize prosecution of the case.

6.18 TWO-OFFICER ASSIGNMENT TRANSITIONING TO SOLO STATUS:
When a car or post is normally staffed with two officers, the dispatcher will be notified when one of the officers is no longer available for assignments or calls for service.

6.19 GOING TO DISTRICT STATION:
When it becomes necessary to go to their district station, immediately notify the dispatcher. When appropriate they will remain in service and subject to calls for service.

6.20 CLERK RESPONSIBILITIES:
When assigned as a clerk (stations and headquarters officers):
   a. Be directly responsible to the command or supervisory officer of the detail or unit they are assigned.
   b. Receive and complete reports, and carry out other duties as directed by their commanding or supervisory officer.
   c. Answer promptly all telephone communications in a manner prescribed by policy and procedure, and analyze calls to determine if transferring to a supervisory or command officer is necessary. Whether communicating by phone, electronically, or in person, officers will at all times display courtesy, respect and patience, and identify themselves by rank and their last name.
   d. Not transfer telephone calls that concern the police department to another office unless absolutely necessary, but should handle the call, make a General Occurrence (GO) report (if applicable), and refer information to the proper officer or division, bureau, district, section, or unit. When assisting with or providing counter reports to citizens, they will advise the citizen that a counter report is for incidents occurring in the City and County of Denver.
   e. Not handle or receive information in reference to complaints on police officers, but should immediately direct the call to the Internal Affairs Section, or to a supervisory or command officer. If neither is available and are unable to call the complainant within a reasonable period, the person should be advised to make a complaint in person at the Internal Affairs Section. The complainant will be advised of the phone number for the Internal Affairs Section, as well as the hours that headquarters is open for the public to appear.
   f. They will give special attention to subjects appearing in person at a district station or headquarters, and will handle their request for service expeditiously and in the manner as prescribed by policy.

7.00 DUTIES AND RESPONSIBILITIES OF TECHNICIANS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, TECHNICIANS WILL:

7.01 Perform an auxiliary or line function at the discretion of the Chief of Police.
7.02 Based on department need be assigned to any division, bureau, district, section, or unit. Appointment to technician may require an officer with specific skills or training.
7.03 Demonstrate the necessary initiative, resourcefulness, intelligence, alertness, observation, and judgment for their specific duties.
7.04 Continue their education, training, and self-orientation efforts in order to advance in their specific area of responsibility and may be assigned to technical tasks.
7.05 Strive to develop and disseminate improved administrative and technical practices, and promote their use in police functions.
8.00 DUTIES AND RESPONSIBILITIES OF CORPORALS

In addition to the duties of all sworn officers, Corporals will:

8.01 ASSUMING SUPERVISORY DUTIES:
Be prepared to assume any or all of the duties and responsibilities of a supervisor when the following circumstances occur:

a. Serving as an acting sergeant.

b. In the absence of a sergeant, command and control at the scene of crimes, vehicle pursuits, critical incidents or other situations necessitating the need for a supervisor.

c. In the absence of a sergeant, sign and be responsible for reports completed by officers that require the signature (actual or electronic) of a reviewing or approving officer (i.e., Traffic Accident reports, General Occurrence (GO) reports, etc.)

d. In coordination with or at the direction of a sergeant or command officer.

8.02 COMBINED REQUIRED FUNCTIONS:
Perform all of their required functions in conjunction with the duties of their field assignments and will be responsible for all duties and responsibilities of police training officers and patrol officers.

8.03 POLICE TRAINING OFFICER RESPONSIBILITIES:
Have as a primary responsibility the role of field instructor (Police Training Officer). Corporals will follow protocols and procedures outlined in the Police Training Program. The immediate supervisor of the corporal must take into consideration the demands of training and plan accordingly.

8.04 ADMINISTER ROLL CALL TRAINING.

8.05 ASSISTING SUPERVISORS:

a. Assist sergeants with event planning and preparing a police response.

b. Assist with shift operations by articulating situations needing resolution and matters of importance to their supervisor or commanding officer.

9.00 DUTIES AND RESPONSIBILITIES OF DETECTIVES

In addition to the duties of all sworn officers, Detectives will:

9.01 PREVENTION AND SUPPRESSION OF CRIME:
Through investigative procedures, officers assigned as detectives will direct their best efforts in the prevention and suppression of crime, and in the detection and apprehension of criminal suspects. Under no circumstances will they make public any information that might jeopardize the successful completion of the investigation or the apprehension of the perpetrator.

9.02 EXAMINATION OF PHYSICAL EVIDENCE:
Make requests for the examination of physical evidence to the Forensics and Evidence Bureau.

9.03 INVESTIGATIVE PROCESS:

a. Be responsible for the proper investigation of cases assigned to them.

b. Interview complainants, victims and witnesses without delay, properly identify themselves and if appropriate, periodically consult with complainants and victims regarding the progress of cases until they have been officially closed. Attempt to notify crime victims when there is a change in the status of their case, and include the details in their supplemental report.

c. Keep their supervisor informed on the progress of cases assigned to them.
d. Include in supplementary reports, the action on each case in which they performed any work. Detectives will make such daily, monthly, or other periodic reports required by their commander.

e. When they receive assistance on an assigned case, note such facts on their report so that the assisting officer may receive due credit. It will be the duty of detectives to render assistance, when requested, to other personnel, but they will not interfere with or work independently upon any case except by direction of their supervisor or commanding officer.

f. Give their immediate attention to the interrogation of suspects jailed for investigation and will expedite the filing of formal charges or the release of the arrestee, consistent with sound investigation procedures. Take formal statements from such suspects where practicable, assemble evidence, and prepare reports required for the filing of criminal cases through the Denver District Attorney's Office.

g. Make every effort to recover stolen property as reported in the cases assigned to them.

9.04 RANKING OFFICER AT CRIME OR ACCIDENT SCENE:

a. When serving as the ranking officer of the involved investigative bureau, section, or unit at the scene of a crime or serious vehicle collision, they will be in charge of the immediate crime or crash scene without regard to the rank of officers present from any other bureau. The detective will not have either the responsibility or authority for the protection of the area, perimeter control, traffic direction, command post, or any other functions normally assigned to uniformed officers.

b. Request any needed assistance or the assignment from the concerned patrol command post officer (if one is present) or through the regular chain of command of the affected district or section of uniformed officers to their supervision.

c. If requested, provide all available information about the case to the on duty commanding officer of the affected district or section.

9.05 DETAILS OUTSIDE THE CITY:

When detailed outside the City and County of Denver, communicate with their supervisor or commanding officer as may be necessary during their absence.

9.06 ASSISTING OTHER BUREAUS:

a. Provide reasonably requested information and assistance to other bureaus of the police department and maintain an efficient level of cooperation and coordination in affected areas.

b. Establish and maintain effective lines of communication with patrol personnel, using face to face contact situations such as roll call training sessions. Detectives are encouraged to appear at roll calls to give information about wanted persons, crime patterns, and on-going investigations.

9.07 COOPERATION WITH OUTSIDE AGENCIES:

Be responsible for maintaining close cooperation and friendly working relationships between their bureau or district and other law enforcement agencies, as well as with the other bureaus and districts within the department.

9.08 PERSONS POSSESSING CONFIDENTIAL INFORMATION:

Contact and maintain friendly relations with persons who are likely to be in a position to provide them with information of a confidential nature that would be helpful in the performance of their duties.

9.09 COURT PROCEEDINGS:

Be responsible for the proper preparation of court cases and the competent presentation of evidence in court or at hearings.

9.10 PATTERN CRIMES:

Be alert for the occurrence of multiple crimes showing similarity in modus operandi or in the same general location indicating similar crime operations. They will inform their supervisor or commanding officer of
situations that may indicate a need for increased patrol or enforcement in specific areas.

10.00 **DUTIES AND RESPONSIBILITIES OF SERGEANTS (FIRST LINE SUPERVISOR)**

**IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS AND SUPERVISORS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER LEVEL RANKS), SERGEANTS WILL:**

10.01 **PATROL SECTOR SUPERVISOR:**
When assigned as a district sector supervisor, patrol their district, visiting each precinct and post as often as practicable, but not at stated intervals.

10.02 **ENSURE PERSONNEL REPORT TO ASSIGNMENTS:**
Unless otherwise directed, ensure that all personnel proceed directly to their precincts, posts or details without unnecessary delay.

10.03 **VIOLATIONS OF LAW COMMITTED IN PRESENCE:**
Not interfere with the routine work of another district, but violations of law committed in their presence will receive their immediate attention when the officer specifically responsible is not present.

10.04 **REVIEWING REPORTS AND DATA:**
Review General Occurrence (GO) reports and crime analysis data specific to their assignment.

10.05 **ASSISTING LIEUTENANTS:**
Assist lieutenants with planning by appraising them of personnel issues or situations.

10.06 **ACTING DUTIES:**
When designated as acting lieutenant, the sergeant will perform the necessary duties of the lieutenant in his/her absence.

11.00 **DUTIES AND RESPONSIBILITIES OF LIEUTENANTS (COMMAND RANK)**

**IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), LIEUTENANTS WILL:**

11.01 **ASSISTING COMMANDER OR CAPTAIN:**
Under the supervision of a commander or captain, act as an assistant during the commander’s or captain’s tour of duty. In the absence of a commander or captain, the senior ranking lieutenant will be in charge of the district, bureau, section, or unit unless otherwise directed.

11.02 **ACTING DUTIES:**
a. During the prolonged absence of the captain or commander, a lieutenant may be designated as acting captain or commander.
b. Arrange sergeants’ days off and vacation schedules in an attempt to ensure that a sergeant is available to serve in an acting lieutenant capacity when necessary.

11.03 **ADMINISTRATIVE, SUPERVisory AND OPERATIONAL DUTIES:**
Complete administrative, supervisory, and operational duties as assigned by their immediate supervisor or superior officers.
12.00 DUTIES AND RESPONSIBILITIES OF CAPTAINS AND CAREER SERVICE MANAGERS (APPLICABLE SECTIONS)

In addition to the duties of all sworn officers, supervisors and command officers (applicable functions may appropriately be handled by, or delegated to lower ranks), captains will:

12.01 GENERAL RESPONSIBILITIES:

Be responsible for the discipline, morale, necessary and proper training, safety, conduct, work performance, and assignment of all department personnel under their command. They will coordinate the efforts of all officers of their command toward achievement of police objectives, eliminating friction, criticism, and inefficiency. They will promote harmony and always concern themselves with the care and welfare of their personnel.

12.02 PLANNING AND POLICY PROGRAMS:

a. Direct and supervise planning and policy programs within their section. They will see to the coordination and follow up of all programs originating from their section with the plans and policy of other department divisions, bureaus, districts, or sections.

b. When applicable, be responsible for the planning and execution of programs designed to prevent and suppress crime and traffic accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and solve problems of concern to the department.

12.03 INSPECTIONS AND FACILITY MANAGEMENT:

a. When applicable, make inspections of their area of responsibility, personnel, facilities, and equipment at irregular intervals and hours of the day and night.

b. When applicable, be responsible for the safe condition of cells and detention rooms, and the security of all parts of their assigned station or facility which are designed for the safekeeping of arrestees.

12.04 ESTABLISHING MINOR RULES AND REGULATIONS:

When necessary, establish minor rules and regulations for personnel under their supervision, consistent with the operations manual, orders, rules, regulations, and established procedure of the department. Inter-bureau or inter-section procedures or policies that do not affect the entire department will be by directive from the level initiating to the level of execution. For information purposes, directives will also be forwarded to the next highest level of command. Inter-bureau or inter-section procedures or policies will be forwarded to the Planning, Research and Support Section for possible incorporation into the operations manual.

12.05 ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:

Complete administrative, supervisory, and operational duties as assigned by their commander, division chief, the Deputy Chief of Police, or the Chief of Police.

12.06 ENFORCEMENT OF LAWS AND DEPARTMENT POLICY:

Exercise such powers connected with their position as may be provided by ordinance, charter, or department policy. When applicable, captains are responsible for the proper and efficient enforcement of all laws and ordinances, which the police department is authorized to enforce within their area of responsibility. Captains will also enforce departmental rules, regulations, policies, and procedures.

12.07 MISSION, VISION, VALUES – GOALS – STRATEGIC PLAN:

Be guided by the department’s mission, vision, values and goals, and the strategic plan as the foundation for their decision making, management, and leadership of their commands.

12.08 GENERAL POLICIES AND ORDERS OF THE CHIEF OF POLICE:

Carry out the general policies and orders of the Chief of Police, and perform any and all duties assigned by the Chief of Police (or designee).
12.09 **Area of Responsibility:**
If applicable, be responsible for all police operations within their respective area of responsibility, twenty-four (24) hours per day, unless granted leave by their commander. Captains will organize and direct their commands for the efficient operation of all police service within their respective area of responsibility. When applicable, captains will so regulate their command that, at all times during their absence, to the degree possible it will be under the command of a competent officer not lower in grade than lieutenant.

12.10 **Internal and External Issues:**
Be responsible for staying abreast of all issues that may impact their area of responsibility, both internally and within the community, and will keep their superiors informed of issues in a timely manner. Captains will focus their attention on the effective and efficient delivery of police service within their area of responsibility.

12.11 **Leadership:**
Provide vigorous and positive leadership in accomplishing the department’s goals, and advancing the programs and mandates of their superiors.

12.12 **Dissemination of Information:**
Be responsible for the accurate dissemination of information from their commander to their own subordinates. Within their area of responsibility, they are also responsible for supporting and implementing policies, procedures, and programs established by the department.

12.13 **Problem Solving:**
Be actively involved in problem solving for all issues and concerns within their area of responsibility. Captains will formulate solutions to problems and coordinate an effective response.

12.14 **Mission Accomplishment:**
Exercise control over all members assigned under their command to the end that the duties and responsibilities of their particular segment of the total police mission will be promptly and efficiently performed and discharged.

12.15 **Anticipating Emergencies:**
To the degree possible, anticipate emergencies and formulate procedures to be used in the event of such procedures.

12.16 **Increasing Effectiveness:**
Study obstacles and critically observe procedures affecting the operation of their assignment and police service under their direct control so that they may recommend and implement changes designed to increase their effectiveness.

12.17 **Drafting Policies and Procedures:**
Draft policies and procedures for review and approval by the Chief of Police related to issues and concerns within their respective areas of responsibility. They will make suggestions that are in the best interest of the department.

13.00 **Duties and Responsibilities of Commanders and Career Service Directors (Applicable Sections)**
In addition to the duties of all sworn officers, supervisors and command officers (applicable functions may appropriately be handled by, or delegated to lower ranks), Commanders will:

13.01 **General Responsibilities:**
Be responsible for the discipline, morale, necessary and proper training, safety, conduct, work performance, and assignment of all Department employees under their command. They will coordinate
the efforts of all officers of their command toward achievement of police objectives, eliminating friction, criticism, and inefficiency. They will promote harmony and always concern themselves with the care and welfare of their personnel.

13.02 **Planning and Policy Programs:**

a. Direct and supervise planning and policy programs within their bureau or district. They will see to the coordination and follow up of all programs originating from their bureau or district with the plans and policy of other department bureau, districts, or sections.

b. When applicable, be responsible for the planning and execution of programs designed to prevent and suppress crime and traffic accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and solve problems of concern to the department.

13.03 **Inspections and Facility Management:**

a. When applicable, make inspections of their area of responsibility, personnel, facilities, and equipment at irregular intervals and hours of the day and night.

b. When applicable, be responsible for the safe condition of cells and detention rooms, and the security of all parts of their assigned station or facility which are designed for the safekeeping of arrestees.

13.04 **Establishing Minor Rules and Regulations:**

When necessary, establish minor rules and regulations for personnel under their supervision, consistent with the operations manual, orders, rules, regulations, and established procedure of the department. Inter-bureau or inter-section procedures or policies that do not affect the entire department will be by directive from the level initiating to the level of execution. For information purposes, directives will also be forwarded to the next highest level of command. Inter-bureau or inter-section procedures or policies will be forwarded to the Planning, Research and Support Section for possible incorporation into the operations manual.

13.05 **Administrative, Supervisory, and Operational Duties:**

Complete administrative, supervisory, and operational duties as assigned by their division chief, the Deputy Chief of Police, or the Chief of Police.

13.06 **Enforcement of Laws and Department Policy:**

Exercise such powers connected with their position as may be provided by ordinance, charter, or department policy. When applicable, commanders are responsible for the proper and efficient enforcement of all laws and ordinances, which the police department is authorized to enforce within their area of responsibility. Commanders will also enforce departmental rules, regulations, policies, and procedures.

13.07 **Mission, Vision, Values—Goals—Strategic Plan:**

Be guided by the department’s mission, vision, values, and goals, and the strategic plan as the foundation for their decision making, management, and leadership of their commands.

13.08 **General Policies and Orders of the Chief of Police:**

Carry out the general policies and orders of the Chief of Police, and perform any and all duties assigned by the Chief of Police (or designee).

13.09 **Area of Responsibility:**

Be responsible for all police operations within their respective area of responsibility, twenty-four (24) hours per day, unless granted leave by their division chief. Commanders will organize and direct their commands for the efficient operation of all police service within their respective area of responsibility. Commanders will so regulate their command that, at all times during their absence, it will be under the command of a competent officer not lower in grade than a lieutenant.
13.10 **INTERNAL AND EXTERNAL ISSUES:**
Be responsible for staying abreast of all issues that may impact their area of responsibility, both internally and within the community and will keep their superiors informed of issues in a timely manner. Commanders will focus their attention on the effective and efficient delivery of police service within their area of responsibility.

13.11 **LEADERSHIP:**
Provide vigorous and positive leadership in accomplishing the department’s goals, and advancing the programs and mandates of their superiors.

13.12 **DISSEMINATION OF INFORMATION:**
Be responsible for the accurate dissemination of information from the senior command staff to their own subordinates. They are also responsible for supporting and implementing policies, procedures, and programs established by the department within their area of responsibility.

13.13 **PROBLEM SOLVING:**
Be actively involved in problem solving for all issues and concerns within their area of responsibility. Commanders will formulate solutions to problems and coordinate an effective response.

13.14 **MISSION ACCOMPLISHMENT:**
Exercise control over all members assigned under their command to the end that the duties and responsibilities of their particular segment of the total police mission will be promptly and efficiently performed and discharged.

13.15 **ANTICIPATING EMERGENCIES:**
To the degree possible anticipate emergencies and formulate procedures to be used in the event of such procedures.

13.16 **INCREASING EFFECTIVENESS:**
Study obstacles and critically observe procedures affecting the operation of their assignment and police service under their direct control so that they may recommend and implement changes designed to increase their effectiveness.

13.17 **DRAFTING POLICIES AND PROCEDURES:**
Draft policies and procedures for review and approval by the Chief of Police related to issues and concerns within their respective areas of responsibility. They will make suggestions that are in the best interest of the department.

13.18 **CONFERRING WITH DIVISION CHIEF:**
Confer with their respective division chief or the Deputy Chief of Police before taking any of the following actions:

a. Making important changes in the organization of their command.
b. Making important changes in operating procedure.
c. Leaving the city for a longer period than the normal weekly relief.

14.00 **DUTIES AND RESPONSIBILITIES OF DIVISION CHIEFS**
**IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), DIVISION CHIEFS WILL:**

14.01 **UNDER DIRECT SUPERVISION OF THE DEPUTY CHIEF OF POLICE:**
Be under the direct supervision of the Deputy Chief of Police and will perform such duties so long as
his/her performance is satisfactory to the Chief of Police. Division chiefs will carry out the policies, orders, and duties assigned by the Deputy Chief of Police and Chief of Police.

14.02 **GENERAL RESPONSIBILITIES:**

Be responsible for the direct supervision of captains and commanders reporting directly to them, and the discipline, morale, necessary and proper training, safety, conduct, work performance, and assignment of all Department employees under their command. They will coordinate the efforts of all officers of their command toward achievement of police objectives, eliminating friction, criticism, and inefficiency. They will promote harmony and always concern themselves with the care and welfare of their personnel.

14.03 **PLANNING AND POLICY PROGRAMS:**

a. Direct and supervise planning and policy programs within their divisions. They will ensure coordination and follow up of all programs originating from their divisions with the plans and policy of other department divisions.

b. When applicable, be responsible for oversight of the planning and execution of programs designed to promote public safety and/or other functions and problem solving specific to their division.

14.04 **INSPECTIONS AND FACILITY MANAGEMENT:**

When applicable, make inspections of their area of responsibility, personnel, facilities, and equipment at irregular intervals and hours of the day and night.

14.05 **ESTABLISHING MINOR RULES AND REGULATIONS:**

When necessary, establish minor rules and regulations for personnel under their supervision, consistent with the operations manual, orders, rules, regulations, and established procedure of the department. Inter-division or inter-section procedures or policies that do not affect the entire department will be by directive from the level initiating to the level of execution. For information purposes, directives will also be forwarded to the next highest level of command. Inter-division or inter-section procedures or policies, and bureau or section directives will be forwarded to the Planning, Research and Support Section for possible incorporation into the operations manual.

14.06 **COOPERATIVE RELATIONSHIPS:**

Establish and maintain cooperative relationships between the police department and other agencies.

14.07 **ADMINISTRATIVE, SUPERVISORY AND OPERATIONAL DUTIES:**

Complete administrative, supervisory, and operational duties as assigned by the Deputy Chief of Police or the Chief of Police.

14.08 **ENFORCEMENT OF LAWS AND DEPARTMENT POLICY:**

Exercise such powers connected with their position as may be provided by ordinance, charter, or department policy. When applicable, division chiefs are responsible for the proper and efficient enforcement of all laws and ordinances, which the police department is authorized to enforce within their area of responsibility. Division chiefs will also enforce departmental rules, regulations, policies, and procedures.

14.09 **MISSION, VISION, VALUES – GOALS – STRATEGIC PLAN:**

Be guided by the department’s mission, vision, values, and goals, and the strategic plan as the foundation for their decision making, management, and leadership of their division commands.

14.10 **GENERAL POLICIES AND ORDERS OF THE CHIEF OF POLICE:**

Carry out the general policies and orders of the Chief of Police and perform any and all duties assigned by the Chief of Police (or designee).
14.11 **AREA OF RESPONSIBILITY:**
Be responsible for all police operations within their respective area of responsibility, twenty-four (24) hours per day, unless granted leave by the Deputy Chief of Police. Division chiefs will organize and direct their division commands for the efficient operation of all police service within their respective area of responsibility. Division chiefs will so regulate their division to ensure a continuity of command in the event of their absence. Any acting division commanding officer will be a competent officer not lower in grade than a lieutenant.

14.12 **INTERNAL AND EXTERNAL ISSUES:**
Be responsible for staying abreast of all issues that may impact their area of responsibility, both internally and within the community and will keep their superiors informed of issues in a timely manner. Division chiefs will focus their attention on the effective and efficient delivery of police service within their area of responsibility.

14.13 **LEADERSHIP:**
Provide vigorous and positive leadership in accomplishing the department’s goals and advancing the programs and mandates of their superiors.

14.14 **DISSEMINATION OF INFORMATION:**
Be responsible for the accurate dissemination of information from the Deputy Chief of Police and Chief of Police to their own subordinates. They are also responsible for supporting and implementing policies, procedures, and programs established by the department within their area of responsibility.

14.15 **PROBLEM SOLVING:**
Be actively involved in problem solving for all issues and concerns within their area of responsibility. Division chiefs will formulate solutions to problems and coordinate an effective response.

14.16 **MISSION ACCOMPLISHMENT:**
Exercise control over all members assigned under their division command to the end that the duties and responsibilities of their particular segment of the total police mission will be promptly and efficiently performed and discharged.

14.17 **ANTICIPATING EMERGENCIES:**
To the degree possible anticipate emergencies and formulate procedures to be used in the event of such procedures.

14.18 **INCREASING EFFECTIVENESS:**
Study obstacles and critically observe procedures affecting the operation of their assignment and police service under their direct control so that they may recommend and implement changes designed to increase their effectiveness.

14.19 **DRAFTING POLICIES AND PROCEDURES:**
Draft policies and procedures for review and approval by the Deputy Chief of Police and Chief of Police related to issues and concerns within their respective areas of responsibility. They will make suggestions that are in the best interest of the department.

14.20 **CONFERRING WITH DEPUTY CHIEF:**
Confer with the Deputy Chief of Police before taking any of the following actions:
   a. Making important changes in the organization of their command.
   b. Making important changes in operating procedure.
   c. Leaving the city for a longer period than the normal weekly relief.
15.00 DUTIES AND RESPONSIBILITIES OF DEPUTY CHIEF

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), THE DEPUTY CHIEF WILL:

15.01 UNDER DIRECT SUPERVISION OF THE CHIEF OF POLICE:
Be under the direct supervision of the Chief of Police and will perform such duties so long as his/her performance is satisfactory to the Chief of Police. The Deputy Chief of Police will carry out the policies, orders, and duties assigned by the Chief of Police.

15.02 ACTING DUTIES:
Serve as the acting Chief of Police (when assigned) due to the Chief’s absence or incapacitation.

15.03 INCREASING EFFECTIVENESS:
Address obstacles preventing the department from functioning efficiently, including but not limited to lack of authority, inadequate legislation, delays in prosecution, cooperation with other municipal employees, and outside influences. The Deputy Chief of Police will take the necessary steps to rectify such situations.

15.04 MORAL AND DISCIPLINE:
Assist the Chief of Police in strengthening and maintaining department morale, and administering appropriate discipline.

15.05 COOPERATIVE RELATIONSHIPS:
Establish and maintain cooperative relationships between the police department and other agencies.

15.06 DIRECTION OF OPERATIONAL AND ADMINISTRATIVE FUNCTIONS:
Be responsible for the direction of operational and administrative functions including supervising, leading and directing division chiefs. Division chiefs will report directly to the Deputy Chief of Police.

a. Organize for efficient operation all activities of divisions, bureaus, districts, sections, and units.

b. Exercise control over all personnel assigned to divisions, bureaus, districts, sections, and units to ensure that all duties and responsibilities are performed effectively and efficiently.

c. Hold frequent staff meetings with division chiefs where problems and suggested procedural changes may be discussed.

d. Critically observe procedures affecting division operations, and when appropriate, implementing or recommending changes designed to increase their effectiveness.

e. Coordinate efforts of all officers under his/her direct command toward achieving police objectives, eliminating or reducing friction, criticism, and inefficiency.

f. Approve all requisitions for divisions, bureaus, districts, sections, and units and have them prepared for presentation to the Executive Director of Safety, subject to approval of the Chief of Police.

15.07 EMPLOYEE HEARINGS:
Hold a hearing at 9:00 a.m. on the next business day following an emergency relieving of duty of a division, bureau, district, section, or unit employee under his/her direct command, and make appropriate recommendations for disposition to the Chief of Police.

15.08 CAREER SERVICE DISCIPLINARY CONFERENCES:
At the direction of the Executive Director of Safety and the Chief of Police, the Deputy Chief of Police is responsible to hold disciplinary conferences for Career Service employees. This function may be delegated by the Deputy Chief of Police to a lower ranking command or supervisory officer.
15.09 **DEPARTMENT BUDGET:**
Be responsible for preparation and execution of the department's budget and fiscal affairs in a manner intended to convert resources into the maximum effective police service with the highest degree of economy.

15.10 **TRAINING:**
Be responsible for ensuring all department personnel receive training to effectively and efficiently perform their job duties and responsibilities.

15.11 **APPOINTMENT AND PROMOTION PROCEDURES:**
In conjunction with the Executive Director of Safety and Chief of Police, evaluate procedures used in selecting officers for appointment and promotion to help ensure that only ethically, intellectually, emotionally, physically, and morally qualified officers are appointed; ensure that employees coming to their attention who fail to meet prescribed standards of performance during or following training are dismissed during their probationary period; and remove from the department those who demonstrate indifference, incompetence, or dishonesty at any future date of service.

15.12 **RECORD RETENTION:**
Cause to be kept complete, records of the department to be prepared and retained. The Deputy Chief of Police is responsible for the preparation of records and forms, and for daily, monthly, and annual reports.

15.13 **PERIODIC EQUIPMENT SURVEYS**
Conduct or cause to be conducted periodic surveys of physical equipment and arrange for the salvaging of discarded or impaired items.

15.14 **EXCUSING SUBORDINATE FROM TOUR OF DUTY:**
Excuse a subordinate from one tour of duty or designate such authority when appropriate.

15.15 **MAYORAL SECURITY:**
Provide for the security of the Mayor of the City and County of Denver.

16.00 **DUTIES AND RESPONSIBILITIES OF THE CHIEF OF POLICE**

**IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, SUPERVISORS AND COMMAND OFFICERS (APPLICABLE FUNCTIONS MAY APPROPRIATELY BE HANDLED BY, OR DELEGATED TO LOWER RANKS), THE CHIEF OF POLICE WILL:**

16.01 **EXECUTIVE HEAD OF POLICE DEPARTMENT:**
Serve as the executive head of the police department. All orders and directives to the police department emanating from the Executive Director of Safety will be directed through the Office of the Chief of Police.

16.02 **FORMULATION AND ENFORCEMENT OF DEPARTMENTAL POLICIES:**
Formulate and enforce departmental policies and exercise such powers connected with this office as may be provided by ordinance and charter. The Chief is responsible for the proper and efficient enforcement of all laws and ordinances which the police department is authorized to enforce. The Chief will discharge the responsibilities imposed on this office by charter and ordinance.

16.03 **DISSEMINATION OF ORDERS:**
Disseminate such orders to the employees of the police department as may be deemed proper. All orders will conform to the law and the rules and regulations of the police department, and will remain in full force and effect until rescinded.

16.04 **ANTICIPATING EMERGENCIES:**
Anticipate to the degree possible, emergencies and significant occurrences, and formulate procedures to
be used in such events.

16.05 DESIGNATION OF OFFICERS TO APPOINTED RANKS:
   a. Designate patrol officers to perform work as detectives, technicians, or corporals and may, at the
      chief's pleasure, return them to the rank and duties of patrol officer.
   b. Assign one or more persons of the rank of captain or lieutenant in the classified service of the
      police department to perform the duties of commander or division chief.
   c. With approval of the Executive Director of Safety, assign one or more persons of the rank of
      commander, captain, or lieutenant in the classified service of the police department to perform the
      duties of Deputy Chief of Police.

16.06 DESIGNATION OF COMMANDING OFFICERS:
   Confer with the Deputy Chief of Police in the designation of commanding officers of divisions, bureaus,
   districts, sections, and units.

16.07 MAINTAINING DISCIPLINE:
   Maintain appropriate discipline throughout the department. The Chief is responsible for the enforcement
   of police department rules and regulations, and the satisfactory conduct and general behavior of police
   officers and CS employees, and will require them to give close attention to their duties and conform to
   department policies and procedures.

16.08 ALLEGATIONS OF OFFICER MISCONDUCT:
   Be responsible for the investigation of all allegations of misconduct made against officers. Complaints
   against CS employees will be addressed through the Denver Department of Public Safety Human
   Resources. The Chief will assure that all evidence relating to alleged offenses is discovered and properly
   documented.

16.09 RELATIONS WITH EXTERNAL PUBLIC OFFICIALS AND LAW ENFORCEMENT AGENCIES:
   Personally represent or designate a representative for all external relations, including contacts with other
   public officials and law enforcement agencies.

16.10 COMMUNITY RELATIONS:
   Create and maintain favorable relations between the public and the police, and establish policies for the
   department governing community relations.

16.11 CONFERRING WITH THE EXECUTIVE DIRECTOR OF SAFETY:
   Confer with the Executive Director of Safety before leaving the city for an extended period, or making
   important changes to:
   a. Duties of the Deputy Chief of Police.
   b. Organization of the department.
   c. Operating procedure.

16.12 REPORTING TO THE EXECUTIVE DIRECTOR OF SAFETY
   Report immediately to the Executive Director of Safety on any of the following incidents:
   a. Appointment and removal of employees from any appointed position.
   b. Suspension of an employee or volunteer of the police department.
   c. Death of any member.
   d. Critical injury in the line of duty of any employee or volunteer.

16.13 DELEGATION OF AUTHORITY:
   Delegate to commanding officers an authority commensurate with their responsibilities, giving them full
   authority within the restrictions imposed by higher authority to direct and discipline employees under their
command.

16.14 OPERATIONS MANUAL:
Outline in the operations manual the duties of divisions, bureaus, districts, sections, units, and employees of the department. The chief will formulate and publish departmental procedures and revise procedures and duty assignments as needed.

16.15 DESIGNATING AN ACTING CHIEF OF POLICE:
During his/her extended absence, designate the Deputy Chief of Police as the acting Chief of Police. For this period the deputy chief will be regarded as the representative of the Chief of Police, and as such, his/her directions will be obeyed throughout the department.

16.16 ORGANIZING THE DEPARTMENT:
Organize the department so that related tasks and activities may be grouped for assignment to a unit under the supervision of a supervisory or command officer. The Chief will establish a logical and clear chain of command with defined channels of communication, responsibility, and authority. The Chief will prepare or cause to be prepared a department organization chart showing the functions and control of the various units. The chief will revise the organization as needed to maintain effective operation and control.

16.17 ENSURING EFFECTIVE ADMINISTRATION POLICE DEPARTMENT:
Establish such necessary control devices and organize personnel and equipment to meet current needs to ensure effective administration of the police department.

16.18 ASSIGNING PERSONNEL:
Be responsible for assigning personnel to their various duties and approve the transferring of employees from one unit to another.

16.19 PLANNING AND EXECUTION OF PROGRAMS:
Be responsible for the planning and execution of programs designed to suppress crime and accidents, detect and apprehend criminal and traffic offenders, protect and recover property, and regulate non-criminal conduct affecting public safety such as traffic control and crowd management.

16.20 HUMAN RESOURCES:
In coordination with the Executive Director of Safety, be responsible for the discipline, safety, conduct, work performance, assignment, selection, appointment, and promotion and demotion (in accordance with Civil Service and Career Service Rules) of all employees of the department.

16.21 DISCIPLINARY RECORDS:
Ensure that a complete written record of each sustained disciplinary case is made a part of a disciplined employee’s personnel file.

16.22 CUSTODIAN OF RECORDS:
Serve as the custodian of all books, records, reports, manuals, photographs, and documents of the department, and will be considered the agent of service for all subpoenas requesting the production from the police department of said documents.

16.23 REGULAR STAFF MEETINGS:
Conduct regular staff meetings with the Deputy Chief of Police and other persons conducting department business and encourage regular staff meetings by commanding officers of divisions, bureaus, districts, sections, and units.

16.24 DEPARTMENT GOALS AND OBJECTIVES:
Each January, upon receipt and review of the goals and objectives from the Deputy Chief of Police, the Chief of Police will prepare the department's goals and objectives. The Chief of Police will then implement the distribution of goals and objectives to affected personnel.
17.00 DUTIES AND RESPONSIBILITIES OF POLICE RESERVE OFFICERS

IN ADDITION TO THE DUTIES OF ALL SWORN OFFICERS, DENVER POLICE RESERVE OFFICERS WILL:

17.01 UNPAID VOLUNTEERS:
Serve as unpaid volunteers, whose purpose is to augment field strength of the department. Police reserve officers will only work assignments approved by their chain of command at their assigned district, or by the Police Reserve Coordinator. All reserve assignments must conform to the parameters set forth in C.R.S. 16-2.5-110(1).

17.02 SERVING AT DISCRETION OF CHIEF OF POLICE:
Serve at the discretion of the Chief of Police. Service as a police reserve officer neither possesses nor acquires any employment right or benefit either through the Denver Police Department, or the Denver Civil Service authority. Service in the Reserve Program does not in any way guarantee acceptance in the future into the lateral/reserve entry program of the Denver Police Department.

17.03 BE PERMITTED TO EXERCISE POLICE AUTHORITY AND CARRY FIREARMS ONLY WHEN IN UNIFORM AND ON AN AUTHORIZED ASSIGNMENT.

17.04 SUBJECT TO ALL DEPARTMENT RULES AND REGULATIONS:
Be subject to all department rules and regulations, operations manual provisions, and orders and directions of full-time regular Denver police officers.

17.05 STATUS MAY BE TERMINATED BY CHIEF OF POLICE:
Status as a police reserve officer can be terminated at any time for violation of any rule, regulation, policy, procedure, or law for unsatisfactory or substandard performance or anytime the Chief of Police deems necessary. Termination from the police reserve program is not subject to appeal. Any expense or cost incurred by police reserve officers as part of service in the Police Reserve Program will not be reimbursed upon termination.

18.00 DUTIES AND RESPONSIBILITIES OF CIVILIAN REPORT TECHNICIANS

18.01 PURPOSE:
The Civilian Report Technician program consists of two different positions that provide auxiliary report writing services; Property Report Technicians (PRT) and Crash Report Technicians (CRT).

18.02 CIVILIAN REPORT TECHNICIAN POLICY MANUAL:
Civilian Report Technicians will comply with the Civilian Report Technician Policy Manual (available through Power DMS).

18.03 COMPLIANCE WITH OPERATIONS MANUAL:
Where applicable, report technicians will comply with the Denver Police Department Operations Manual.
101.00 GENERAL PHILOSOPHY

101.01 DECISION MAKING MODEL

(1) CONCEPT:

The Denver Police Department and its personnel are guided by the following decision making concepts that apply to delivering police service, police-community contacts, taking enforcement action, and applying physical force. Each decision and subsequent decisions will continually require this process of evaluation.

In conjunction with the decision making model, personnel will continually make these specific assessments:

- Authority: Do personnel have the legal authority or mandate to act in a particular instance?
- Reasonable: Would a reasonable officer act similarly under the totality of circumstances?
- Necessary: Is the intended action required or needed based on circumstances?
**Denmark Police Department**

**Decision Making Model**

**Collect Information:**
When possible, slow the situation with a calm, centered, respectful, and confident presence. Gather any and all information within practical limitations. Confirm that police service is warranted and within the control and ability of department personnel to address.

**Assess the Situation, Threats, and Risks:**
Use available resources to make the immediate area safe or provide assistance as needed. Look for things that may explain the situation. If time permits, attempt to identify the root cause and avoid decisions based on inadequate information. Avoid judgmental or damaging statements. Assess the risks and benefits of taking a police action.

**Consider Department Policy and Available Options:**
Develop options based on available information, ethics, values, and policy. Examine the feasibility, effectiveness, and consequence of each action and evaluate as necessary.

**Take Action:**
From the identified options, apply the most reasonable and viable course of action. Continuously assess effectiveness, and when possible, develop contingencies. The sanctity of human life is paramount.

**Review and Reassess:**
Assess the outcome and consider whether the issue was addressed and/or corrected. If not, start over and consider the following:
* Is new information available?
* Was the initial assessment accurate and/or was information missing?
* Is there a more appropriate and reasonable option?
101.02 DE-ESCALATION

(1) CONCEPT:
The practice of de-escalation is intended to help department personnel be more effective and safe, to increase the quality of service and community satisfaction, and to reduce liability. De-escalation, in combination with the decision making model, is the foundation for achieving positive police-community interactions and internal employee relations.

All department personnel derive from the community their authority to act, and poor decisions can degrade our legitimacy and the community’s trust. Personnel will continually assess whether their considered and initiated actions are reasonable and necessary, recognizing that circumstances are fluid and their actions should be adjusted accordingly.

a. General principles:
The Denver Police Department recognizes the value and sanctity of all human life and is committed to respecting human rights and the dignity of every individual, in every interaction. All department personnel must recognize that their actions, both verbal and non-verbal, can play a significant role in the outcome and escalation or de-escalation of an interaction.

When reasonable and practical, personnel should take actions that reduce the negative momentum of volatile situations, thus de-escalating; however, it is understood that delivering public safety services may require immediate and decisive action to protect the community, themselves, or other department members.

b. Considerations/Factors in non-compliance:
There are many reasons an individual may be uncooperative or fail to respond to verbal direction, including but not limited to:
- Medical condition
- Psychological or emotional crisis
- Developmental disability or dementia
- Drug / alcohol interaction
- Language barrier

c. Methods of de-escalation – all interactions:
1. Remain calm, actively listen, be courteous and respectful, show empathy, demonstrate patience, use persuasion, avoid arguments, request resources, suggest alternatives, use supportive language, and utilize critical incident techniques.
2. When sworn personnel are taking protective or enforcement action, or using force, appropriate tactical options may be used in accordance with training and applicable policies.
105.01 USE OF FORCE POLICY

(1) PURPOSE:

The Denver Police Department’s objective is to deliver high quality public safety services. The department recognizes the value and sanctity of all human life and is committed to respecting and protecting the dignity, safety, and civil rights of community members, including the right to be free from inappropriate force.

Officers may, at times, be required to make forcible arrests, defend themselves or others, and overcome resistance. The department’s goal for the protection of both officers and the community is that officers use non-force alternatives, including de-escalation, before resorting to the use of physical force, when time and circumstances permit. Officers may only use physical force if non-force alternatives would be ineffective in effecting a detention for any lawful purpose, an arrest, preventing an imminent threat or serious bodily injury or death to the officer or another person. When needed, officers must use only the amount of force that is reasonable and necessary under the totality of the circumstances to safely accomplish a lawful purpose.

The use of force, especially force likely to result in serious bodily injury or death, is a serious action. When deciding whether to use force, and in the application of force, officers will utilize the decision-making model and department policy. The authority to use force is an extraordinary power that must never be misused or abused.

Except for certain definitions, this policy does not reference specific laws, and instead details force parameters authorized by the Denver Police Department in compliance with such legal requirements.

(2) DEFINITIONS:

Decision Making Model: Department personnel are guided by the DPD Decision Making Model referenced in OMS 101.01 and must ensure that nonviolent means shall be applied, when possible, before resulting to the use of physical force, and any force used is reasonable and necessary under the totality of the circumstances. The following definitions apply specifically to the use of force policy, see OMS 101.01 for a full description:

Authority: The legal authority or mandate to act.

Reasonable: Actions should be generally consistent with what a trained officer would do under similar circumstances, including using only a degree of force consistent with the minimization of injury to others.

Necessary: Force may only be used if non-force alternatives would be ineffective in effecting a detention for any lawful purpose, an arrest, preventing an escape or preventing an imminent threat of serious bodily injury or death to an officer or another person. The intended action must be required based on the circumstances and will only consist of the amount of force needed to safely accomplish a lawful purpose.

De-Escalation: Actions or verbal/non-verbal communication during a potential force encounter used to stabilize the situation and/or reduce the immediacy of the threat, so that more time, options, and resources are available for resolution without the use of force or with a reduced type of force, or reducing or ending a use of force after a resistance or threat has ceased or diminished. When possible, de-escalation must be used before resorting to the use of physical force.
Excited Delirium: A medical emergency in which a person develops extreme agitation, aggressiveness, overheating, and exceptional strength that cannot be managed by routine physical or medical techniques. This type of extreme exertion may result in sudden death and medical treatment should be obtained as soon as possible.

Force: The Denver Police Department’s standard requires that officers must use only the amount of force reasonable and necessary under the totality of the circumstances to safely accomplish a lawful purpose. Reasonable and necessary force is an objective standard, viewed from the perspective of a reasonable officer on the scene, without the benefit of hindsight. Force means the application of physical techniques or tactics, chemical agents or weapons to another person.

Hand Control: Low-level control holds (arm control, arm bar, come-along, elbow control, goosenecks, and shoulder/ twist/wrist locks), pressure-point control tactics, and other types of holds intended to physically control the movement of an individual with minimal pain and/or injury, or when attempting to gain compliance with targeted pressure or joint manipulation.

Immediate Danger: A situation in which an individual is taking direct action to cause death or serious bodily injury to an officer or third person.

Imminent Threat: When an individual has the means and ability to cause death or serious bodily injury to an officer or third party at any given moment. Imminent threat is ready to take place, impending, likely to happen or at the point of happening.

Inappropriate Force: Any force that is not reasonable and necessary under the totality of the circumstances.

Lethal Force: The application of force by firearm or any other means reasonably likely to result in death under the totality of the circumstances, regardless of whether that force resulted in death.

Non-Force Alternatives: Physical actions or maneuvers that are designed to increase the likelihood of safely handling a potential use of force situation while attempting to reduce the need for force or the amount of force necessary. This may include:

- Command presence
- Advisements
- Warnings
- Verbal persuasion and commands
- Time, distance, and cover (withdrawing to a position more tactically secure or which allows greater distance to consider or deploy a greater variety of force options)

Patrol Dog: A canine that is trained and utilized to locate criminal subjects and apprehend if necessary.

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree.

Totality of the Circumstances: All of the facts and circumstances an officer knew, or reasonably should have known, without mere conjecture or speculation, at the time of the use of force, based upon a continual assessment of the situation, however rapid. This includes, but is not limited to, the seriousness of the threat of injury posed to the officer or other persons, the seriousness of the crime in question, and the officer’s use of de-escalation techniques, when possible, and/or the use of other non-force alternatives, all viewed from the perspective of a reasonable officer.

(3) Types of Resistance:
The following types of resistance represent ways in which an individual indicates unwillingness to comply with an officer’s orders, physically obstructs an officer’s attempt to gain compliance, or physically attacks
an officer or others: The authorized force response to the behavior(s) and/or resistance(s) listed below are illustrated on the Resistance and Response Chart.

a. Psychological Intimidation: Non-verbal cues in attitude, appearance, demeanor, or posture that indicate an unwillingness to cooperate, comply, or threaten an officer or other person.

b. Verbal Non-Compliance: Verbal responses indicating an unwillingness to comply with an officer’s directions, or threaten to injure a person without the present ability to carry out the threat.

c. Passive Resistance: Physical actions that do not prevent an officer’s attempt to exercise control of a person or place them in custody. For example, a person who remains in a limpid or prone position.

NOTE: Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance. Charging DRMC 38-31 Interference with police authority (a) and/or (c) may be appropriate, depending on the circumstances.

d. Defensive Resistance: Physical actions that attempt to prevent an officer’s control, including flight or attempt to flee but do not involve attempts to harm the officer (includes “turtling,” which involves a pronated individual pulling his or her arms and/or legs to their chest to prevent access and control by an officer).

e. Active Aggression: An overt act or threat of an assault, coupled with the present ability to carry out the action, which reasonably indicates that an assault or injury to a person is likely.

f. Aggravated Active Aggression: Lethal force encounter.

(4) FORCE GUIDING PRINCIPLES:

a. Guidelines:

1. Officers may be required to decisively intervene and/or use force.

2. Officers will avoid demeanor and/or deliberate actions that precipitate the use of force. This includes tactical or strategic actions that intentionally jeopardize safety and/or hinder successful incident resolution.

3. There are many reasons an individual may be unresponsive or resisting an arrest. It is possible that the individual’s mental state may prevent him/her from comprehending the gravity of the situation, or he/she may not understand an officer’s commands or actions, and it may not be a deliberate attempt to resist. If circumstances permit, officers should consider reasons why an individual is unresponsive and attempt to utilize tactics appropriate for a safe resolution.

A person’s reasoning ability may be dramatically affected by several factors, including but not limited to:

• Medical condition and/or mental impairment
• Developmental disability and/or physical limitation
• Language barrier
• Drug/alcohol interaction and/or emotional crisis

b. Considerations:

1. An officer’s conduct or actions may influence the amount of force necessary in each situation.

2. Prior to using force and when reasonably possible, officers will:

   • Identify themselves as a police officer;
   • Attempt to de-escalate;
   • Give lawful commands;
   • Afford the person a reasonable opportunity to comply, and;
• Apply non-force alternatives, when possible, before resorting to the use of force. Utilizing these concepts and tactics can help officers maintain greater safety for themselves and others. For the purpose of this section, “reasonably possible” means that these actions must be taken prior to the use of force, unless to do so would unduly place any officer or individual at risk of injury or would create a risk of death or injury to other persons.

3. When situations occur that involve an elevated risk of physical resistance or danger to officers, when time and circumstance permit, supervisors will respond to assist with successfully and safely resolving them.

4. Force, or the threat of force, will not be used as a means of retaliation, punishment, or unlawful coercion.

5. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer’s alternatives in controlling a situation, can create anxiety for the community, and may result in an accidental discharge of the firearm.
   • An officer’s decision to draw or exhibit a firearm will be based on the tactical situation and the officer’s reasonable belief there are indicators of a substantial risk that the situation may escalate to the point where lethal force may be necessary.
   • When an officer has determined that the use of lethal force is not necessary, the officer will, as soon as practicable, holster his/her handgun or safely stow a long weapon.

6. Whenever an officer who is not CIT trained believes through his/her observations or otherwise that a person with whom the officer is dealing may be mentally ill, developmentally disabled, or emotionally disturbed, the officer will, if circumstances reasonably permit, use non-force alternatives and request that a CIT officer respond to the scene.

c. Inappropriate Force:
The community expects, and the Denver Police Department requires, that physical force may only be used if non-force alternatives would be ineffective, and such force is reasonable and necessary under the totality of the circumstances.

1. Force that is not reasonable and necessary under the totality of the circumstances, including when non-force alternatives for compliance/arrest were possible and available to the officer but were not used prior to the use of force, will be deemed inappropriate force and officers can be subject to, at a minimum, discipline for violation of any applicable department policies, rules and regulations, and/or law violation.

2. Duty to report:
   a. An officer who witnesses inappropriate force by other law enforcement officers will report it immediately to a supervisory or command officer higher-ranking than the involved officer both verbally and through DPD 12v.
   b. Failure to report inappropriate force is a violation of this Use of Force Policy and a violation of state law – CRS §18-8-802.

3. Duty to intervene:
Officers will intervene, without regard for chain of command, whenever they witness another officer using inappropriate force and/or otherwise mistreating arrestees, suspects, or other persons. Any officer who intervenes in the use of force that exceeds the degree of force permitted, if any, under Colorado law or department policy, will not be disciplined or retaliated against for intervening or reporting inappropriate force or any other inappropriate conduct - including the failure to follow what the officer reasonably
believes is an unconstitutional directive.

a. Any officer who intervenes in what they believe to be any use of physical force that exceeds the degree of force permitted under Colorado law or this policy, or who witnesses such physical force happening so quickly there is no time to intervene, will:

1. Report the intervention and/or what they believe to be inappropriate force immediately to his or her immediate supervisor. If the officer intervened in or witnessed inappropriate force used by his or her immediate supervisor, the officer will immediately report such the intervention and/or inappropriate force to a higher-level command officer; and

2. Complete a written report regarding the intervention and/or inappropriate force that includes: the date, time and place of the incident; the identity, if known, and description of the participants; and a description of any intervention actions taken or, if none were taken, the reason why they were not. The report must be completed on form DPD 12v by the end of the officer’s shift.

b. Any officer who intervenes in and/or reports inappropriate conduct - such as inappropriate force - will not be disciplined or retaliated against - in any way - including if the officer fails to follow what the officer reasonably believes is an unconstitutional directive.

c. Any officer who is found to have failed to intervene in the use of inappropriate force which results in serious bodily injury or death to any person, will be subject to discipline, up to and including termination.

4. Notification and consultation with Internal Affairs Bureau will occur when:

- Supervisors investigate a use of force incident with an indication of inappropriate force
- Other officers may have failed to intervene in the use of inappropriate force
- An officer reports an allegation of inappropriate force

(5) FACTORS TO CONSIDER IN DETERMINING WHETHER TO USE FORCE AND ITS APPLICATION:
Force may only be used if non-force alternatives would be ineffective in effecting a detention for any lawful purpose, an arrest, preventing an escape, preventing an imminent threat of serious bodily injury or death to the officer or another person.

a. Factors to consider include, but are not limited to:

1. The opportunity to avoid (or reduce) the use of force necessary by attempting to safely use de-escalation techniques, the decision-making model, and/or non-force alternatives.
2. The severity of the crime under investigation.
3. Whether the individual poses a threat to the safety of officer(s) or others.
4. Whether the individual is actively resisting arrest or attempting to evade arrest by flight.
5. Whether the individual has the means or capability to cause injury or death to an officer or another. This may include, but is not limited to, the individual’s physical ability, size, age, strength, level of aggression, and any weapons in their immediate control.
6. The proximity of weapons.
7. Environmental factors.
8. Presence of persons who are likely to interfere.
9. Availability of cover officers/additional resources.
10. Individual’s demonstrated mental state.
11. Whether a person is unresponsive and the reasons for that unresponsiveness.
12. The availability of non-force alternatives to avoid using force or to reduce the force necessary.

b. This policy does not require that an officer attempt to select or exhaust each option before moving to another type of force but the officer should use only a degree of force consistent with the minimization of injury to the individual and must apply non-force alternatives, when possible, before resorting to using force.

c. It is the expectation of this department that when an individual is under control, either through the application of physical restraint or the individual’s compliance, only the amount of force necessary to maintain control, if any, will be used.

d. Force/Control Options: (See Resistance and Response Chart)
   1. 40 mm Launcher
   2. Baton / Impact tools (strikes)
   3. CEW/TASER
   4. Chemical Munitions (aerosol and gas munitions)
   5. Command Presence
   6. Hand Control
   7. Lethal Force
   8. OPN / Baton (arrest control / pain compliance)
   9. Patrol Dog
   10. PepperBall® System
   11. Personal Body Weapons (hands, knees, elbows, feet)
   12. RIPP™ Restraint System
   13. Rubber-ball grenade
   14. Noise Flash Diversionary Device (NFDD)
   15. Takedowns
   16. Voice

e. Breathing impairment:
   1. Officers will not, under any circumstance:
      Use any method to apply sufficient pressure to a person in any manner that intentionally makes breathing difficult or impossible. This includes, but is not limited to:
      • Applying direct pressure to an individual’s trachea or airway with the intention to reduce the intake of air, OR
      • Applying direct pressure to an individual’s neck with the intention to restrict or slow the blood flow within the carotid arteries (carotid compression technique).
   2. When body weight is used in an attempt to control an individual who is resisting, it may not be used in a manner that intentionally interferes with the person’s breathing and officers will immediately cease applying body weight to an individual’s back, head, neck, or abdomen once the individual is restrained and other control tactics may reasonably be utilized other than body weight.
   3. As soon as possible after an individual has been handcuffed, the individual should be turned onto his/her side or allowed to sit up, so long as the individual’s actions no longer place officers at risk of imminent injury. Officers will make all reasonable efforts to ensure that the individual is not left in a prone position for longer than absolutely necessary to
gain control over the resisting individual.

f. Deadly weapons:

When confronted by an individual armed with a deadly weapon, including edged weapons, an officer will consider the totality of the circumstances, including:

1. The individual’s ability to carry out an immediate attack.
2. The speed at which the incident/situation is evolving.
3. The availability of force options that may be reasonable and necessary.
4. When reasonable for the safety of officers and other persons in the vicinity, the use of non-force alternatives.

(6) FORCE AND CONTROL OPTIONS – SEE OMS 105.02.

(7) LETHAL FORCE – CRS §18-1-707 (2) & (3):

a. Officers may use lethal force only when all other means of apprehension are unreasonable given the totality of the circumstances and

   • The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
   • The suspect poses an immediate threat to the officer or another person; and
   • The force employed does not create a substantial risk of injury to other persons.

b. The use of lethal force is considered to be reasonable and necessary under the totality of the circumstances for the purpose of this policy if the officer has an objectively reasonable belief that a lesser degree of force is inadequate and has objectively reasonable grounds to believe, and does believe that s/he or another person is in imminent danger of being killed or receiving serious bodily injury.

   1. Before using lethal force, officers will identify themselves as a police officer and give a clear verbal warning of his or her intent to shoot or use lethal force, with sufficient time for the warning to be observed, unless to do so would unduly place the officer or others at risk of serious bodily injury or death.
   2. The use of lethal force against a person who presents a danger only to themselves is prohibited.
   3. The use of lethal force to apprehend an individual who is only suspected of a minor or nonviolent crime is prohibited.

(8) DISCHARGE OF FIREARMS:

a. When authorized:

   The discharge of firearms must comply with applicable policies and procedures. A Denver police officer may engage in the lawful use of firearms under the following conditions:

   1. In lethal force situations in strict compliance with circumstances described in section 105.01 (7).
   2. In accordance with OMS 104.21, to kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical. A homicide detective must be called out if an officer kills an animal under such circumstances.
   3. To participate in authorized training.
   4. To participate in any authorized competition or legitimate sporting activity.

b. Prohibited discharge:

   Officers will not discharge firearms under the following conditions:
   1. At another person, unless the circumstances are in compliance with OMS 105.01 (7).
2. Against persons who present a danger only to themselves.
3. Where there is likelihood of serious injury to persons other than the person to be apprehended.
4. As a warning or to command the attention of an individual(s).
5. Solely to protect property.
6. At a moving vehicle, except as permitted in OMS 105.01 (9).

(9) MOVING VEHICLES:
   a. Officers will exercise good judgment and not move into or remain in the path of a moving vehicle. Being in the path of a moving vehicle will not be the sole reason for discharging a firearm at the vehicle or any occupant. An officer in the path of a vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any occupant(s).
   b. Occupant(s):
      Firearms will not be discharged at anyone in a moving or fleeing vehicle unless lethal force is being used by that person against a police officer or any other person present by means other than the moving vehicle.
   c. Vehicles:
      Firearms will not be discharged at a moving vehicle for the following reasons:
      1. It may have very little effect on stopping the vehicle.
      2. Inadvertently disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle and/or bystanders may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.
   d. Vehicle Ramming Attack:
      Firing at the driver of a moving vehicle or the moving vehicle itself when there is an apparent intent to inflict mass casualties may be reasonable and necessary.

(10) STOPPED / STATIONARY HIGH-RISK VEHICLE CONTACTS:
When reasonably possible, officers will use high-risk vehicle tactics after a pursuit or other high-risk vehicle stop or contact, and in such circumstances, are discouraged from immediately approaching a stopped/stationary vehicle. When circumstances permit, officers will use tactical control options to safely resolve the situation.

(11) RESPONSIBILITY TO PROVIDE MEDICAL ATTENTION:
   a. Officers are required to provide medical attention as soon as practicable per OMS 116.06.
   b. Officers may not use physical force solely to stop a person from swallowing a substance or to retrieve evidence from the person’s mouth. See OMS 116.06 (3).
   c. In-custody persons - general:
      1. Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the arrestee’s health and safety.
      2. Officers will advise responding medical personnel and personnel taking custody or having oversight of an arrestee/detainee, including at district stations, of:
         • Any observations that indicate the individual is possibly under the influence of alcohol, controlled substance(s), medical or emotional duress, suicidal, or displaying possible symptoms of excited delirium.
         • When the arrestee/detainee has been subjected to application of a less lethal weapon.
      3. Officers will advise personnel taking custody or having oversight of an arrestee/detainee, including at district stations, when medical personnel have evaluated the
arrestee/detainee.

4. Arrestees suffering from any illness, injury, or other condition that requires medical attention, including the ingestion of narcotics or other harmful substances, will be evaluated by medical personnel.
   - It is the policy of the Denver Sheriff Department to refuse custody of injured individuals, unless accompanied by reports indicating that they have been examined, treated, or have refused to submit to examination (or treatment) by medical personnel. Officers will notify detention personnel of the nature of force used when transferring custody of arrestees.

d. Persons injured or claiming injury resulting from contact with a police officer:
   1. The involved officer will visually examine the person displaying or claiming injury, request medical attention, and immediately notify a supervisor whenever:
      - Injury results from force used by department personnel; or
      - He/she is in contact with a person with obvious or alleged injuries who may claim they resulted from the contact with the officer; or
      - A person is subjected to a chemical agent, impact techniques, use of a CEW/TASER, PepperBall® system, or 40 mm launcher, or when restrained with a RIPP™ leg restraint.
   2. Medical treatment at the scene is deemed the most appropriate response, though safety concerns may necessitate moving the individual to another location before treatment can occur. Medical personnel will determine whether further treatment is required.
   3. Only medical personnel will be allowed to remove probes from individuals shot with a CEW/TASER.

(12) Death, Injury where Death is Likely, or Serious Bodily Injury Following the Application of Force:
Should an individual die, or suffer injury where death is likely, after a use of force or while in-custody of Denver police officers, the Major Crimes Bureau, the Internal Affairs Bureau, and other department entities will be notified per policy, and the scene will be processed as an in-custody death investigation – see OMS 301.14 (8).
   a. When serious bodily injury occurs, the supervisor investigating the use of force will notify the Internal Affairs Bureau.
   b. The Crisis Services Bureau will be notified and offer assistance.
   c. The department will ensure that any identified relatives or next of kin of any individual who has sustained serious bodily injury or death be notified as soon as practicable.

(13) Use of Force Review:
The Internal Affairs Bureau reviews all use of force reports with the exception of cases examined by the Use of Force Review Board.
   - Depending on the type of force employed or injuries sustained, a use of force incident may be subject to review by the Use of Force Review Board, the Tactics Review Board, the District Attorney’s Office, or other independent agencies as required by policy.

(14) Resistance and Response Chart – See next page.
This graphic does not represent a force continuum. It is a guide with a range of response options based on an individual's type of resistance.
105.02 FORCE AND CONTROL OPTIONS

(1) POLICY:
In accordance with department policy and training, the Denver Police Department authorizes force and control options, including less lethal weapons. The use of less lethal weapons can in some situations avoid the need for greater amounts of force - including lethal force - may reduce injury, and may assist officers in protecting the public, themselves, and other officers. The department’s goal for the protection of both officers and the community is that officers use non-force alternatives, including de-escalation, before resorting to the use of force and control options, when time and circumstances permit. Officers may only use force and control options if non-force alternatives would be ineffective in effecting an arrest, preventing an imminent threat or serious bodily injury or death to the officer or another person. When applying force and control options, the initial application, and each subsequent application, must be individually reasonable and necessary under the totality of circumstances to safely accomplish a lawful purpose.

The DPD Arrest Control Techniques and Defensive Tactics (ACT) Manual is the guiding document for the most current methods and techniques of applying force.

Force and control options designed and intended to be less lethal (in alphabetical order):
- 40 mm launcher
- Baton / Impact tools (strikes)
- CEW/TASER
- Chemical agents and munitions
- Hand Control
- Noise Flash Diversionary Device (NFDD)
- OPN / Baton (arrest control / pain compliance)
- PepperBall® system
- Personal body weapons (hands, knees, elbows, feet)
- RIPP™ leg restraint device
- Rubber-ball grenade
- Takedowns

(2) DEFINITIONS:
40 mm launcher: Single round or multi-launcher that fires department approved and issued 40 mm specialty impact munitions (including 40 mm OC).

Authorized user: An officer trained and authorized by the department to use, handle, carry, and deploy the item referenced.

Baton / Impact tools: Authorized baton or OPN (when used as an impact tool) used to deliver strikes as a means of self-defense or the protection of others.

CEW/TASER: Conducted electrical weapon which uses an electrical signal to temporarily override the motor and sensory nervous system.

Chemical agents and munitions: Aerosol (duty belt carried) and gas munitions (fogger, grenade, PepperBall® system) used as a means of preventing or overcoming resistance, assault, or dispersal.

Hand Control: Low-level control holds (arm control, arm bar, come-along, elbow control, goosenecks, and
shoulder/twist/wrist locks), pressure-point control tactics, and other types of holds intended to physically control the movement of an individual with minimal pain and/or injury, or when attempting to gain compliance with targeted pressure or joint manipulation.

**Less lethal force:** Force application which meets an operational or tactical objective that is not intended to and has a reduced likelihood of causing death or serious bodily injury.

**Less lethal weapon:** A weapon (PepperBall® system, 40 mm launcher, CEW/TASER) which when used as designed and intended has less potential for causing death or serious bodily injury than police lethal weapons.

**Noise Flash Diversionary Device (NFDD):** Also referred to as a flash sound diversionary device, diversionary device, or flashbang, intended to provide a brief distraction.

**Orcutt Police Nunchaku (OPN):** A device used for physical restraint through pain compliance and/or leverage, and self-defense through strikes and maintaining distance.

**PepperBall® system:** An air-powered launch device that deploys plastic sphere projectiles filled with powdered Oleoresin Capsicum (OC).

**Personal body weapons:** Anatomical weapons (hands, knees, elbows, feet, etc.) used to deliver kicks or strikes as a means of self-defense or in the protection of others.

**RIPP™ leg restraint device:** A device used to temporarily restrain and/or immobilize the legs and lower body of an individual.

**Rubber-ball grenades:** A Stinger-type rubber ball grenade that deploys small .30 or .60 caliber rubber projectiles or OC blast balls that expel a chemical agent used as a means of threat neutralization.

**Takedown:** The act of physically directing an individual to the ground to limit physical resistance, prevent escape, or increase the potential for controlling the individual.

(3) **GENERAL GUIDELINES – FORCE AND CONTROL OPTIONS:**

Officers will use less lethal force and control options in accordance with department training and policy.

a. **Baton / Impact tools:**

1. In response to Defensive Resistance, the baton / impact tool may be used only to apply come along, escort, or pain compliance techniques. A person who remains non-violent will not be intentionally struck with a baton / impact tool.

2. The minimum type of resistance for the application of a baton / impact tool or any other tool as an impact device is Active Aggression.
   - The head and neck will not be intentionally struck with a baton / impact tool unless the officer is using lethal force per OMS 105.01 (7).
   - Officers must be able to articulate how the use of any device or object as an impact weapon, other than those authorized, was reasonable and necessary and in compliance with the Use of Force policy.
   - Firearms are not an appropriate impact weapon because of the inherent danger of an accidental discharge.

b. **Chemical Agents and Munitions:**

1. The minimum type of resistance for application of a chemical agent or munition is Defensive Resistance. Deployment of any chemical agent or munition requires that the officer be an authorized user for that item. Chemical agents and munitions may provide an effective force option and may be used in the following situations:
   - To prevent injury to an officer or a third person.
   - To ward off an attack from a canine or any other animal.
   - To subdue an individual who is threatening or attempting suicide.
• Against an individual resisting and/or interfering with an arrest.
• To quell rioting/disperse unlawful crowds.
• Any situation where the officer can clearly articulate the need for deployment.
• NOTE: This does not include the 40 mm OC round – see section (4)

2. The use of a chemical agent or munition for crowd/riot control will be in accordance with the DPD Crowd Management Manual.

c. OPN (arrest control / pain compliance):
   1. The minimum type of resistance required for application of an OPN as an arrest control device is Verbal Non-Compliance.
   2. Only authorized users will carry and/or deploy this device.

d. Personal body weapons:
The minimum type of resistance for the application of personal body weapons is Active Aggression. Officers must articulate why hand control was or would have been ineffective and personal body weapons were used.

e. Takedowns:
The minimum type of resistance for the application of a takedown is Defensive Resistance.

f. Hand Control:
The minimum type of resistance for the application of hand control techniques is Verbal Non-Compliance.

g. RIPP™ Leg Restraint Device:
   1. The RIPP™ leg restraint device is the only authorized system/method for immobilizing the legs and lower body of an individual. Only authorized users will carry and/or deploy this device. The RIPP™ leg restraint device is not to be attached to an arrestee’s handcuffs and will be utilized and applied in accordance with the Arrest Control Manual.
   2. The RIPP™ leg restraint device will only be used in situations where handcuffed individuals continue to be combative and still pose a threat to themselves or officers, or could cause significant damage to property, if not properly restrained.
   3. After the RIPP™ leg restraint device is applied, officers will immediately roll the individual on his/her side and monitor them. If there are signs such as labored breathing and/or profuse sweating, officers should relax the tension of the leg restraint and/or consider removing the device. Once in a side-lying position, officers will not allow the individual to roll to a face down position.

h. Rubber-ball grenades:
   1. The minimum type of resistance for the application of rubber-ball grenades is Active Aggression or Aggravated Active Aggression.
   2. Only certified members of the METRO/SWAT are authorized to deploy rubber-ball grenades.
   3. Rubber-ball grenades will not be deployed in crowd-control situations.

i. Noise Flash Diversionary Device (NFDD):
   1. Only certified members of the METRO/SWAT are authorized to deploy NFDDs.
   2. NFDDs will not be deployed in crowd-control situations.

(4) LESS LEthal WEAPONS - DEPLOYMENT:

a. Communication:
1. When possible, officers and supervisors should strategize prior to deploying any less lethal weapon.

2. When possible, officers should give clear and concise verbal commands to the individual prior to, during, and after the deployment of any less lethal weapon. Officers should afford the person a reasonable opportunity to comply prior to deploying any less lethal weapon and prior to any subsequent deployments.

3. Officers deploying a less lethal weapon usually will not perform any other duty, such as searching or handcuffing, until their less lethal weapon is safely holstered or stowed.

b. Restricted Areas:

   Unless lethal force is reasonable and necessary, targeting the following areas with a less lethal weapon (point of aim) is prohibited:

   1. The head, eyes, throat, neck, breasts of a female, genitalia, pelvis, or spinal column. NOTE: The entire back is prohibited when less lethal weapons are deployed in response to protests/riots.

   2. At an open wound (when the officer has prior knowledge of the open wound).

c. General Prohibitions:

   1. Playful or malicious display, or intentional misuse of any less lethal weapon. This includes firing or deploying any less lethal weapon indiscriminately into a crowd.

   2. To prevent an individual from swallowing evidence.

   3. Against any individual more susceptible to injury such as small children, disabled individuals, or the elderly, unless the officer can articulate the action(s) were reasonable and necessary under the totality of the circumstances.

   4. As a tool of punishment or unlawful coercion.

   5. Where its use will cause the individual to lose control of a motor vehicle unless officers can articulate compelling reasons.

   6. Against a pregnant female (when the officer has prior knowledge of the pregnancy).

   7. Against a handcuffed arrestee/detainee, unless the individual demonstrates an overt act of Aggravated Active Aggression and there was no reasonable alternative.

   8. To terminate a foot chase, unless the individual’s actions rise to Active Aggression.

      • NOTE: The direct impact use of the PepperBall® system requires Active Aggression or Aggravated Active Aggression.

      • Use of the PepperBall® system towards the ground or an area of space requires Defensive Resistance.

9. Rubber-ball grenades will not be deployed in crowd control situations.

d. 40 mm launcher:

   1. Acceptable uses of a 40 mm launcher include:

      • To incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression or Aggravated Active Aggression. Its use may become necessary when other force options would be inappropriate or ineffective, and it is reasonable and necessary under the totality of the circumstances to avoid having to use lethal force; or

      • As less lethal intervention to prevent an officer or a third person from being seriously injured or killed; or

      • To incapacitate an individual who is threatening or attempting suicide.

   2. Preferred Point of Aim:
The 40 mm launcher should be aimed at areas of the body with large muscle mass and in avoidance of the restricted areas.

3. Unless lethal force is reasonable and necessary, an officer will not intentionally deploy the 40 mm launcher from a range of less than five (5) feet.

e. CEW/TASER:

1. Acceptable uses:
   - To incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression; or
   - To incapacitate an individual who is threatening or attempting suicide.

2. Preferred Point of Aim:
   - The CEW/TASER should be aimed lower center mass, just below the sternum, and in avoidance of the restricted areas.
   - Probe strikes to any restricted area will be specifically noted in the Use of Force Report (DPD 12) and deploying officers will detail circumstances in their written statement.

3. Application:
   - When a CEW/TASER is used, officers will deploy the device for one energy cycle (the default length of an energy cycle is when the trigger is pressed and released) and officers will reassess the situation. When reassessing, subsequent and continual energy cycles may not be effective against an individual; officers may have to consider other force options.
   - When reasonably possible, individuals should be taken into custody while experiencing neuromuscular incapacitation.
   - The drive/contact stun technique is discouraged as it generally only produces pain compliance. If used, officers should wait a reasonable amount of time between applications to discern if compliance has been gained.
   - Only the minimum number of energy cycles necessary to place the individual into custody will be used.

4. The CEW/TASER will not be used:
   - In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present.
   - In any environment where an officer knows or should have known that the neuromuscular incapacitation could cause an injury more significant than intended.

f. PepperBall® system:

1. Acceptable uses of the PepperBall® system may include:
   - Direct impact to incapacitate, safely control, or take into custody an individual whose conduct rises to Active Aggression, Aggravated Active Aggression; or
   - Direct impact to incapacitate an individual who is threatening or attempting suicide; or
   - Towards the ground or an area of space near an individual in a crowd control situation requires Defensive Resistance.
   - When its use is likely to prevent an officer or a third person from being injured by an individual; or
   - When ordered by a field force commander or other command officer in crowd control or riot situations – see DPD Crowd Management Manual.
2. Preferred Point of Aim:
   The PepperBall® system should be aimed lower center mass, just below the sternum, and in avoidance of the restricted areas.

5) **LESS LETHAL WEAPONS – AUTHORIZATION AND STORAGE:**
   
a. Authorization – PepperBall® system and 40 mm launcher:
   Only authorized users will display, carry, or deploy a PepperBall® system or 40 mm launcher. Selection of officers will be based on the following criteria:
   
   1. Officers must be selected by their commanding officer and approved by their division chief to carry and use a PepperBall® system or 40 mm launcher.
   2. Officers must successfully complete designated instruction and periodic qualification conducted by authorized less lethal instructors. The Training Division maintains the training curriculum and list of authorized users. Authorized users can also be identified within TeleStaff.
   3. Violations of this policy may result in officers being removed as an authorized user and possible disciplinary action.

   b. Authorization – CEW/TASER:
   
   1. Designated officers will be issued a CEW/TASER and will retain possession of the device for the duration of their division/district assignment. When issued a CEW/TASER, on-duty uniformed officers and officers working uniformed secondary employment are required to carry it on their person, in an approved holster.
   2. At designated operational assignments, CEW/TASERS will be issued to authorized users by an armory officer or supervisor at the beginning of each shift and returned at the end of the officer’s shift to an armory officer or a supervisor. When issued a CEW/TASER, uniformed officers are required to carry it on their person, in an approved holster.
   3. Prior to going in service, officers should conduct a spark test of their CEW/TASER (without cartridge loaded) to ensure it is firing properly. If the device does not fire properly, officers will notify their supervisor and the item will be removed from field service.
   4. Officers will periodically inspect the manufacture date of their CEW/TASER and expiration date of their CEW/TASER cartridges (displayed on the bottom of the device or cartridge). Equipment at expiration or past five (5) years of life will be removed from field service and returned to the Less Lethal Coordinator at the Firearms Unit.

   c. Storage and Handling:
   
   1. Except for CEW/TASERS, all departmental less lethal weapons not deployed in the field will be maintained in a police facility, in a locked cabinet or room designed specifically for the secure storage of less lethal weapons.
   2. Chemical agent munitions (except for MK-4 personal OC), PepperBall® systems, and 40 mm launchers must be inventoried and signed out from the district or unit armory by a corporal, sergeant, or above, or from a Special Operations Bureau representative in the field, to an authorized user/operator.
   3. At the conclusion of a shift or event, all chemical agent munitions, PepperBall® systems, and 40 mm launchers will be returned to the district or unit armory to a corporal, sergeant, or above or the Special Operations Bureau representative, for inventory and accountability. A CAD/GO report number must be recorded and required reports must be completed for any used or missing munitions – See OMS 105.03 or OMS 504.03(3) a. and b.
   4. A CAD/GO number for all used or missing munitions (PepperBall® and 40MM) will be provided to the Less Lethal Coordinator’s office for replenishment or replacement.
5. When not being carried on an officer’s person, the CEW/TASER will be stored in a secure manner. Officers are not authorized to carry the CEW/TASER in their non-police capacity.

6. The inventory of less lethal weapons will be completed per OMS 504.04.
105.03 REPORTING

(1) REQUIRED NOTIFICATION:

Officers will immediately report the following incidents to a supervisor or command officer:

a. Incidents involving a use of force:
   These items are reported on a Use of Force Report in BlueTeam (DPD 12)
   1. An officer discharged a firearm other than in-training or for bona-fide recreational purpose.
   2. An officer applies force through use of the following, regardless of whether an arrest is made, the individual dies, is injured, or complains of an injury:
      - 40 mm launcher
      - Any tool, object, or device used as an impact weapon
      - By any means reasonably likely to result in death under the totality of circumstances, regardless of whether the force results in death.
      - Chemical agents and munitions
      - CEW/TASER
      - PepperBall® system
      - Patrol dog
      - Personal body weapons (hands, knees, elbows, feet)
      - Takedowns
      - Any vehicle pursuit that is terminated by forced-stop methods - See OMS 204.01.
   3. An officer has an accidental discharge of a PepperBall® system, chemical agent or munition, 40 mm launcher, or CEW/TASER, other than in training, regardless if the discharge was in view of the public or if members of the public were affected.

b. Incidents NOT involving a use of force, but injury/death may have occurred:
   These items are reported on an Injured Subject Report in BlueTeam (DPD 12i)
   1. An individual claims injury, suffers an injury prior to arrest, or there is an injury/death while in custody and no force was used at any time during police contact.
   2. A person is injured prior to arrest or contact, and circumstances indicate he/she is claiming or may claim the injury resulted from contact with an officer.
   3. A person suffers a life-threatening injury or dies while in custody. See OMS 301.13 and OMS 301.14 (8).
   4. An individual demonstrating symptoms of excited delirium was taken into custody and no force was used.

c. Incidents NOT involving a use of force or injury while in custody/injury prior to arrest, but a firearm (no discharge) or physical hand control technique was used:
   These items are reported on a Show of Force Report in BlueTeam (DPD 12f)
   1. Anytime an officer un-holsters their firearm or CEW/TASER, or intentionally points any firearm or CEW/TASER at a person and no other force-related incident occurs.
   2. An officer uses any type of physical hand control technique, as defined in
3. The RIPPTM leg restraint was applied and no force was used.

d. Any incident involving an actual or perceived use of inappropriate force:
   In addition to the use of force reporting requirements stated in section (1) a., any officer
   intervening in and/or witnessing inappropriate force will document the incident on an Intervention
   and Report of Inappropriate Force (DPD 12v). This form is available on the DPD template drive
   and will be forwarded via email to the Internal Affairs Bureau by the intervening or witness officer.
   Once received, the Internal Affairs Bureau will upload the submitted form to the related use of
   force incident in BlueTeam.

e. Use of force reporting during large-scale events:
   Use of force incidences that occur during large-scale events will be reported by each team
   utilizing force. Reports will be completed as detailed below in (2) Officer Responsibilities and will
   be submitted by the end of the shift on which the incident(s) occurred.

(2) OFFICER RESPONSIBILITIES:

The primary involved officer will prepare a Use of Force Report (DPD 12) in BlueTeam carefully
articulating the facts of the incident. The report will be completed by the end of the shift on which the
incident occurred. The report will include:

a. An accurate description of the incident using the coded tables and text boxes will, to the extent
   reasonably possible, include:

   1. A detailed description of the person
   2. The severity of the crime at issue
   3. The presence and location of witnesses at the scene
   4. A specific description of the acts that led to the Use of Force
   5. The level of resistance encountered
   6. The threat the person posed
   7. The force options available
   8. Any de-escalation techniques employed
   9. A description of every type of Use of Force
   10. The existence of any body-worn camera or other data that exists; and

b. Names of all involved officers, subjects, and witnesses. Additional forms will be used as
   continuation pages; and

c. Documentation of medical examinations by paramedics or other responding medical personnel.
   This documentation will also be included on the Unified Summons and Complaint (US&C) or
   arrest reports, if any.

d. All involved officers will complete a detailed statement describing their actions and observations
   by the end of their shift.

e. Officer will route the Use of Force Report in BlueTeam to the investigating supervisor.

(3) SUPERVisory INVESTIGATION:

a. Generally:
   The supervisor or command officer will ensure that all sections of the operations manual and
   applicable Colorado Revised Statutes have been followed. The officer’s supervisor or in his/her
   absence, another supervisor will respond to the scene and personally contact the officer
   immediately after the incident. The supervisor will conduct an independent and thorough
   investigation. The supervisor will ensure an initial Use of Force entry was made into BlueTeam by
   the end of their shift on which the incident occurred.
1. The supervisor will interview witnesses and suspects, collect evidence, take photographs when appropriate, and when the situation involves a use of force, prepare the Supervisor’s Use of Force Cover Sheet (DPD 770), carefully articulating the facts of the incident.

2. Make every reasonable effort to identify and preserve video and/or still photos that may contain evidence relevant to the investigation, and document actions taken to obtain and preserve the evidence and/or the instruments that contain such evidence - See OMS 104.58 Search and Seizure of Electronic Recording Devices.

3. If BWC footage is available, see OMS 119.04.

4. When investigating a use of force incident involving deployment of the CEW/TASER, the supervisor must recover and place into the Property Management Section the CEW/TASER probes and some identification confetti. Data from the CEW/TASER will be downloaded into a computer file and the results will be documented as part of the use of force investigation.

5. Supervisors and command officers will not investigate use of force incidents in which they are personally involved. It is preferable though not mandatory that the incident be investigated by their commanding officer, or an officer of higher rank.
   a. Personally involved means participation in the use of force, hands on and/or actively directing force while it was being used.

6. If at any point during a use of force investigation a supervisor has evidence of a law violation or inappropriate force, or has been notified that officer(s) had to intervene into what was perceived as inappropriate force, or it is a potential high-profile incident, he/she will at the earliest reasonable time contact the Internal Affairs Bureau for direction.

7. In all cases where serious bodily injury occurs the investigating supervisor will ensure notification of the Internal Affairs Bureau. The Internal Affairs Bureau will assess and determine if their immediate response is necessary.

8. Procedures for processing juveniles involved in a resistance incident are detailed in OMS 401.02 (10).

9. With authorization of the Chief of Police (or designee), the multiple use of chemical munitions in response to Defensive Resistance during large-scale events may be documented with a single use of force report.

10. If the involved employee is a member of the Denver Sheriff Department (DSD), a sheriff supervisor will be requested via Denver 911 to respond to the scene and complete required DSD reports. Denver police officers will assist with witnesses and/or statements as requested; however, the reporting requirements will be the responsibility of DSD personnel, and they will follow their policies and procedures. Lethal force incidents and deputy involved shootings will be investigated by the DPD Major Crimes Bureau and the Internal Affairs Bureau will be notified.

11. Officers off-duty / officers working Secondary Employment:
   a. Off-duty officers who become involved in any use of force or injury while in custody/injury prior to arrest situation must report the circumstances to an on-duty command or supervisory officer within the district of occurrence as soon as the situation is stabilized. If it occurred outside the City and County of Denver, off-duty officers will report the use of force to the appropriate local law enforcement agency and notify their chain of command.
   b. Off-duty officers who are working police secondary employment and become involved in any use of force or injury while in custody/injury prior to arrest
situation must report the circumstances via police radio to an on-duty command
or supervisory officer within the district of occurrence, or when applicable to a
major event supervisor as soon as the situation is stabilized.

c. An exception to reporting to an on-duty supervisor or command officer within the
district of occurrence may be granted by the Chief of Police (or designee) for
major events involving off-duty officers working secondary employment – police
work. If an exception is granted, a supervisor or command officer working the
event may fulfill the reporting requirements.

d. Supervisors or command officers who investigate any incident involving an
officer engaged in secondary employment must verify in TeleStaff that the
officer was approved for secondary employment and document the results in
the Supervisor's Use of Force Cover Sheet (DPD 770).

e. Nothing in this section will be construed to relieve any officer working police
secondary employment of the duty to intervene in and report inappropriate
force, per OMS 105.01 (4) c.3., OMS 105.03 (1) d.

f. Off-duty officers must report any incident involving the unholstering/pointing of
a firearm or CEW/TASER, the use of physical hand control techniques, or the
application of the RIPP™ leg restraint per the requirements of section (1) c.
above.

b. Required documentation (all submitted/uploaded through BlueTeam):

1. Use of Force Report (DPD 12) – completed by the primary involved officer, OR
Injured Subject Report (DPD 12i) – completed by the supervisor, OR
Show of Force Report (12f) - completed by the primary involved officer

2. Names and statements from all witnesses.

3. Statements from all involved officers.

4. Copy of the CAD report.

5. Supervisor's Use of Force Cover Sheet (DPD 770) – required only when reporting a use
of force on a Use of Force Report (DPD 12).

6. All other related incident documentation (SBI, tow slips, GO reports, etc.) will be
uploaded into BlueTeam.

c. Supervisor's Use of Force Cover Sheet (DPD 770):

The investigating supervisor will complete this report within 72 hours of the incident, including:

1. Synopsis
   - Provide a brief and general description of the incident.
   - Describe the specific actions of each officer listed on the Use of Force report.
   - The brief synopsis should be no longer than one paragraph.

2. Introduction
   Explain the reasons for the contact to include the type of call or action (reasonable
suspicion, probable cause, etc.).

3. Investigation
   - Describe the supervisor’s investigative actions to include contact with officers,
   witnesses, and suspect.
   - Describe the disposition of the suspect.
   - Review all statements for completeness.
   - Describe any evidence collected or observed.
- Document activation of BWC and that it was reviewed. If it wasn’t activated or reviewed, explain why.
- Ensure a neighborhood survey was conducted.
- Document any allegations of inappropriate force.

4. Summary
- Detail accusations and/or inconsistencies within statements and other evidence and provide supporting facts.
- Articulate if injuries were consistent with the type, manner, and amount of force used.
- The supervisor’s summary will not include any opinion or determination as to whether the action(s) of the officer(s) were reasonable or necessary, within or outside the scope of policy, or a potential law violation.

5. Recommendations
Supervisors are responsible for assessing use of force incidents and making a recommendation when they believe an additional investigation is necessary. Upon making this determination, supervisors will check the appropriate box on the Supervisor’s Use of Force Cover Sheet (DPD 770).

- Potential law violations or inappropriate force:
  If during the supervisor’s investigation a potential law violation or inappropriate force is revealed, or an officer indicates they intervened in inappropriate force, he/she will immediately contact the Internal Affairs Bureau for direction. If IAB does not initiate an immediate investigation the supervisor will recommend further investigation by checking the appropriate box on the Supervisor’s Use of Force Cover Sheet (DPD 770) and ensure that the reporting officer completes the reporting requirements of section (1) d.

- Other potential policy violations:
  If the supervisor’s completed investigation reveals potential policy violations, he/she may contact the Internal Affairs Bureau for direction. In such cases supervisors will also recommend that the incident be further investigated by the Internal Affairs Bureau by checking the appropriate box on the Supervisor’s Use of Force Cover Sheet (DPD 770).

- Incomplete Information:
  If following his/her completed investigation the investigating supervisor has other concerns, including but not limited to incomplete information or evidence, he/she may contact the Internal Affairs Bureau for direction. Supervisors may also recommend that the incident be further investigated by the Internal Affairs Bureau by checking the appropriate box on the Supervisor’s Use of Force Cover Sheet (DPD 770).

d. Counseling:
   When indicated and appropriate, supervisors will counsel officers in methods to better handle future situations to avoid or minimize the use of force.

(4) REPORTING WHEN AN IN-CUSTODY DEATH OCCURS:
When an in-custody death occurs (regardless of whether force was used), the narrative will indicate that “Officer(s) came in contact with the subject who later died - See homicide report.”

(5) ASSAULT ON A PEACE OFFICER:
In any case of an assault on a peace officer, reporting officers will create a General Occurrence (GO) report titled “Investigation of Assault”. When creating the GO report, the suspect should not be
charged with resistance or any additional charges. For more information, see OMS 310.00.

- NOTE: When direct filing (DRMC 38-93 Assault) on a Unified Summons and Complaint (US&C), all additional charges (e.g., resistance, etc.) will be included.

(6) REPORT DISTRIBUTION:
The Internal Affairs Bureau, utilizing the functionality of BlueTeam, will ensure that all use of force reports and any other type of reporting obtained in this section will be routed to the officer’s chain of command.

(7) USE OF FORCE REPORTING CHART – SEE NEXT PAGE.
REPORTING USE OF FORCE, RESISTANCE, ASSAULT TO POLICE OFFICER, INJURY PRIOR TO ARREST, AND INJURY/DEATH WHILE IN CUSTODY

This graphic provides a general response guide based on circumstances. More detailed information is found in policy.

**INCIDENT TYPE**

- **Subject Charged with Assault to Police Officer**
  - No force used and officer listed as victim

- **Subject Charged with Resistance or Assault to Police Officer**
  - Force used

- **Injury Prior to Arrest or During Custody**
  - Force not used or alleged

- **Injury or Complaint of Injury**
  - Force used or allegedly used

**RESPONSE**

- **GO Report**
  - Investigation by supervisor
  - DPD 12 UOF Report
  - DPD 770 Cover Sheet

- **All other relevant DPD reports**
  - If SBI, notify Internal Affairs

**INVESTIGATION AND REPORTS**

- **Death Occurs or May Be Imminent**
  - During custody or due to injury prior to arrest

- **DEATH OCCURS OR MAY BE IMMINENT**
  - Force used or allegedly used
  - Officer discharged firearm

- **Response**
  - Notify Major Crimes & Internal Affairs
  - Investigation by Multi-Agency Investigative Team
  - DPD 12 UOF Report
  - DPD 770 Cover Sheet

- **All other relevant DPD reports**
  - If SBI, notify Internal Affairs

**DEATH IMMINENT**

- **Injured Subject Report**
  - All other relevant DPD reports

- **All other relevant DPD reports**
105.04 SHOOTING BY AND/OR OF POLICE OFFICERS

(1) POLICY:
When any law enforcement officer (regardless of agency or department) discharges a firearm in the City and County of Denver at a person (regardless of whether death or injury occurs) there will be an immediate emergency and investigative response. These procedures also apply when investigating the death or serious injury of a law enforcement officer.

(2) DENVER 911 NOTIFICATION:
Denver police officers involved in or becoming aware of any police shooting will immediately notify the police dispatcher via police radio. Officers will ensure that any critical information affecting the safety of responding officers and the public is communicated via police radio so that all affected personnel may monitor and react accordingly.
- When communicating additional or sensitive information, officers may request an I-call to reduce the number of persons monitoring the broadcast information.
- Denver 911 records all radio and telephone conversations and provides them upon request for use in an investigation.
- It is the responsibility of the Denver 911 Center to notify the appropriate resources, divisions, and personnel in accordance with their protocols.

(3) PROCEDURES WHEN HANDLING PERSON / OFFICER WOUNDED BY GUNFIRE:
a. Once it is safe to approach the suspect, officers will handcuff, search the individual thoroughly and take control of any weapon(s) within their immediate vicinity. When the suspect poses no further risk to officers or bystanders, officers will remove the handcuffs and when appropriate, they should render first aid to their level of training without any unreasonable delay.
b. If safety allows, weapons should be maintained where they are found and handled as little as possible. Gloves (latex or suitable substitute with the same qualities) will be used to handle the weapon(s) to protect any evidentiary value. If there is a need to render the weapon safe, all rounds must be accounted for and collected as evidence. Officers will ensure the chain of custody and security of the weapon is established and maintained.
c. If any possibility of life exists, ensure transport of the individual/officer to a hospital without delay.
d. One officer should accompany the victim (dead or alive) to the hospital and should note any statements made, take possession of clothing or other evidence, and protect personal property.
e. The Denver Sheriff Department will be notified when placing a hold order on any individual.
f. If the victim is a law enforcement officer, notify his/her commanding officer who will arrange for an officer guard. See OMS 505.10 (5).

(4) RESPONSIBILITIES OF RANKING OFFICER AT THE SCENE OF A POLICE SHOOTING INCLUDE, BUT ARE NOT LIMITED TO:
a. Protect the crime scene per OMS 301.01.
b. Determine what occurred through civilian or officer witnesses at the scene. If there are no civilian or officer witnesses present, ask the involved officer for general information that will indicate the area to protect and the evidence sought.
c. Ensure that officers identify, separate, and obtain written statements from all civilian witnesses. The investigative team will review all statements and determine the need for additional detail or recording of the statement. The investigative team will obtain statements from all officer witnesses.
d. Ensure that the involved officer maintains his/her firearm in its condition at the conclusion of the shooting event, making no changes to the firearm except to render it safe and holster his/her handgun or safely stow a long weapon.
   1. Empty magazines, spent shell casings, etc., will remain where deposited. The Crime Scene Unit will document and collect these items during crime scene processing.
   2. The involved officer will maintain custody of his/her firearm until relinquished to Forensics and Evidence Division personnel, who will arrange to loan the officer a replacement firearm. An investigating officer from the Homicide Unit will document this transfer. Once tested, only the assigned Homicide Unit detective or a Homicide Unit supervisory officer will release the officer’s firearm.

e. Assign a supervisory officer to sequester and transport the involved officer to headquarters and remain with him/her until relieved. Officers and supervisors will not review the officer’s BWC video.
   • Only individuals assigned to the multi-agency investigative team, the officer’s commander and division chief, the Deputy Chief of Police, the Chief of Police, the officer’s attorney, and the Denver District Attorney or a deputy district attorney may have access to the officer while sequestered. The Commander of the Major Crimes Division, the Division Chief of Investigations, the Deputy Chief of Police, or the Chief of Police must approve all other access.

f. Provide the dispatcher and responding investigative team with all available information.

g. Assist and follow the directions of the senior member of the Major Crimes Division in compliance with OMS Duties and Responsibilities 9.04.

h. Assign an officer to complete a General Occurrence report (GO).
   1. When an officer discharges his/her firearm and wounds a suspect or other person the title will be “SHOOTING BY A PEACE OFFICER.”
   2. When a suspect shoots and wounds an officer, the title will be “ASSAULT ON A PEACE OFFICER.”
   3. When the shooting results in the death of any person/officer, the title is “HOMICIDE.”
   4. When an officer discharges a firearm causing injury or death, any individual struck by gunfire is reported as the victim and the involved officer as the person reporting.
   5. Officers will leave the suspect section blank and keep the narrative section brief.

i. In consultation with the command officer in charge of the investigation, complete an After Action Report (DPD 286), routing copies as appropriate including the Homicide Unit and elsewhere as required. Attach a copy of that day’s personnel detail(s) for all districts and other units whose personnel covered the scene.

j. Ensure completion of a Use of Force Report (DPD 12) in accordance with OMS 105.03:
   1. Use the front of the form to report the appropriate information. The narrative on the reverse side may indicate, “See After Action report.”
   2. Attach a copy of the After Action report to the Use of Force report. Forward the original Use of Force report to the Internal Affairs Division, with one copy to the affected division commanders and division chiefs, and one copy to the Deputy Chief of Police.

k. Ensure that ALL employees who respond to the scene, or assist in any way, submit individual statements detailing their duties and observations to the investigative team prior to going off duty.

(5) MULTIAGENCY JOINT INVESTIGATION:
The investigation, evaluation, and review of an in-custody death or shooting by or of a peace officer, is a joint endeavor between the Denver Police Department, the Aurora Police Department, and the Denver District Attorney’s Office (multi-agency investigative team). In addition, if an officer intentionally fires his/her weapon, regardless of whether a person is struck, the multi-agency investigative team will investigate and
review the incident. The Commander of the Major Crimes Division (or designee) is in command of the investigation into incidents occurring within the City and County of Denver. The Major Crimes Division, as part of a multi-agency investigative team, will assist the Aurora Police Department with investigations of officer-involved shootings occurring within their jurisdiction.

All appropriate investigative methods, techniques, protocols, and reporting, including but not limited to the following, will be employed:

a. Completely process and document the crime scene using diagrams, photographs, and video recordings in accordance with crime scene protocols outlined in OMS 301.01.

b. Investigating officers will document statements as soon as practical following the shooting. Methods of documentation include those written, audio recorded, or video recorded at the discretion of the investigative command officer in consultation with the Denver District Attorney’s Office.

c. The officer(s) involved in the shooting may have an attorney present for legal assistance. Investigating officers will advise the involved officer in accordance with the Officer Advisement in Police Shootings form (DPD 759).

- The Miranda Warning, Internal Affairs Division Garrity Advisement, or ordered statements under City Charter 42-30, will generally not occur unless evidence supporting a crime or serious department rule violation exists.

d. The Division Chief of Administration (or designee) will act as a liaison for the Office of the Independent Monitor (OIM) during the investigation of officer incidents involving members of the Denver Police Department, Denver Sheriff Department, and the Denver Fire Department’s certified arson investigators.

- The Internal Affairs Division will participate in the investigation only at the request of the Commander of the Major Crimes Division (or designee), the Division Chief of Investigations, the Deputy Chief of Police, or the Chief of Police. This participation only involves cases where there is information or evidence of a crime or serious rule violation.

e. All media inquiries will be managed by the communications director in consultation with the Commander of the Major Crimes Division (or designee).

f. The decision to file criminal charges for police shooting cases is solely the responsibility of the district attorney’s office having jurisdiction.

- The Denver District Attorney will inform the Chief of Police, in writing, of the decision following the completion of the criminal investigation and a thorough review of the case.

g. The Executive Director of Safety is responsible for the final administrative review of police shooting incidents.

(6) **Considerations for an Involved Officer Following Investigation of a Police Shooting/Critical Incident:**

a. When death occurs, the officer will be removed from any line duty assignment, pending the results of an administrative review.

b. When death results from any officer involved use of force, an in-custody death, or death which occurred as a direct result of police action, and the Major Crimes Division investigates the occurrence as a critical incident, the following will occur:

1. The Commander of the Major Crimes Division will contact Police Psychological Services and provide the name and phone number of involved officers. Police Psychological Services will contact the officer(s) and schedule an appointment.
• Absolute confidentiality exists, and the officer(s) has the option of not discussing anything he/she does not wish to with Psychological Services.

c. The division/district commander (or designee) of personnel involved in a shooting incident will notify the officers of the above provisions. If after two days, Psychological Services has not been able to contact the officer, Psychological Services will notify the Commander of the Major Crimes Division who will provide for such arrangements. No other exchange of information will occur before the appointment without the express written consent of the officer.
105.00 FORCE RELATED POLICIES

105.05 USE OF FORCE REVIEW BOARD

(1) USE OF FORCE BOARD PROCEDURES:
The Chief of Police has established a Use of Force Review Board which will examine all incidents where serious bodily injury or death results from any officer-involved use of force, all firearm discharges by active members of the department, except those incidents described in OMS 105.01(8) a. 2-4 and any in-custody death or any incident as directed by the Chief of Police. The Board is investigative in nature and is responsible for making recommendations on administrative matters, internal affairs investigations, department policy modifications, training, and commendations as they relate to use of force incidents.

a. Case Review:
   1. The review of any case where a person has been injured or killed will be scheduled after the completion of the criminal investigation and the Chief of Police has received a written decision letter from the involved district attorney’s office clearing the officer(s) and/or stating that the criminal process has concluded.
   2. The review of non-injury firearm discharges will be scheduled after a final report on the incident has been completed.
   3. The Division Chief of Administration (or designee) is responsible for notifying the Use of Force Board that a case is ready for review.

b. Case Presentation:
   1. Use of Force Board meetings are held in closed sessions, with attendance limited to persons designated by the Chief of Police, or the Commander of the Conduct Review Board.
   2. Case facts will be presented to the Board by an officer designated by the Division Chief of Administration (or designee). If a case involves a death, a Homicide Unit supervisor may make the presentation.
   3. During presentation of the case, the involved officer(s) may have an observer present who was not involved in the incident under review, including witness testimony, but not during any Use of Force Board deliberations. The observer will not participate in any Use of Force Board proceedings.

c. Case Referral:
The Board is empowered to classify a case as in or out of policy, and:
   - May refer a case to the involved officer’s commander for consideration of a commendation.
   - May refer a case to the Tactics Review Board.

(2) USE OF FORCE BOARD AUTHORITY:
The Use of Force Board is authorized to take all appropriate steps in its review of firearm discharges and use of force incidents, including, but not limited to the actions listed below.

a. The Use of Force Board:
   1. Will have access to all reports, photographs, video tapes, statements, and other documents relating to the incident.
   2. Is empowered to call any officer witnesses needed to provide further clarification.
   3. May invite any civilian witnesses needed to provide further clarification.
   4. May direct that an additional investigation be conducted of the incident under review.
5. Must give the involved officer the opportunity to testify before the Board prior to an administrative case filing for violation of department rules and regulations, although the officer is not required to attend the hearing. If the involved officer(s) decides not to attend the hearing, the hearing will be held in his/her absence.

(3) **USE OF FORCE BOARD RESPONSIBILITIES:**

Following a full review of a use of force incident, the Use of Force Board Chair will ensure the following actions are taken on behalf of the Board:

a. **Cases Requiring Further Investigation:** The Use of Force Board will document areas of where additional information is requested and forward its request to the Division Chief of Administration. The Internal Affairs Division is responsible for gathering the requested information and once the information is obtained, the case will be resubmitted to the Use of Force Review Board.

b. **No Policy Violation:** If the Use of Force Board has concluded that no departmental policy, procedure, rule or regulation has been violated, the Chief of Police will be notified of this finding in writing. Copies of this notification will be provided to the involved officer and his/her commander. One (1) copy will be placed in the involved officer's Internal Affairs Division file to be maintained per the records retention schedule.

c. **Policy Violation:** If the Use of Force Board concludes that any departmental policy, procedure, rule, or regulation appears to have been violated, the Chief of Police will be notified of this finding in writing. The incident will then be referred to IAD which will then conduct any additional investigation determined to be necessary and forward the same to the Conduct Review Division in accordance with department policy. As in all other disciplinary matters, final authority and responsibility for disciplinary action rests with the Chief of Police and/or the Executive Director of Safety.

d. **Tactics Review:** If there is a question regarding tactics used in the incident, the Use of Force Board may forward the case to the Tactics Review Board for an opinion. Any recommendations made by the Tactics Review Board regarding additional training or policy changes will be forwarded to the IAD/Conduct Review and/or the Chief of Police.

e. **Policy or Training Modification:** The Use of Force Board may also make recommendations to the Chief of Police for any modification of department policy or training.

f. **Commendation Recommendation:** The Use of Force Board may recommend that the involved officer(s) be considered for a commendation. If supported, the involved officers’ commander (or designee) will be responsible for submitting a formal request to the Commendations Board per OMS 503.03.

(4) **USE OF FORCE BOARD RECORDS AND MEETINGS:**

All meetings and records of the Use of Force Board are confidential in nature and will not be disclosed to anyone without permission of the Chief of Police.

a. Confidentiality extends to the Use of Force Board members, officer's representative, officer's commander, advisory witnesses, and any other persons attending a Use of Force Board meeting.

b. After the Use of Force Board has made its findings and recommendation, all persons who participated in the Use of Force review will immediately return all records they received regarding the incident. The Internal Affairs Division will collect and retain all records of the Use of Force Review Board.

c. In accordance with OMS 105.05 (1) a., within a reasonable time after the final report of an applicable use of force, an IAD staff member designated by the Internal Affairs Division Commander, in consultation with the Use of Force Board Chair, will determine the date and time of the meeting and will notify Board members.

(5) **BOARD MEMBERSHIP:**

a. The commanding officer of the Conduct Review Division is the non-voting Use of Force Board
Chair. Their responsibility to the Board includes:
1. Casting the deciding vote in the event of a tie.
2. Gathering any reports as needed. This may be delegated to an IAD staff member.
3. Processing decisions and recommendations of the Use of Force Board.
4. Selecting a member of the department who has expertise in police tactics to serve as a non-voting advisory member of the Board.

b. The voting membership of the Use of Force Review Board will be comprised of the following:
1. Commander of the Major Crimes Division.
2. One (1) DPD commander – designated on a rotational basis.
3. Two (2) community members selected and trained by the department.
4. One (1) member from another Colorado law enforcement agency (per CRS 16-2.5-301(1)). The Chief of Police (or designee) will select the partnering agency.

c. Use of Force Board findings will be by majority rule.

d. Community Board Members
1. These individuals must have received training as designated by the Chief of Police, which at a minimum will include instruction in:
   - The Denver Police Department Use of Force Policy - OMS 105.01 and 105.02.
   - Hands-on training on all forms of the department's less-lethal alternatives
   - Overview of the Crisis Intervention Team (CIT) program
   - Overview of firearms training and policy
2. These individuals will be rotated through the pool of qualified candidates and the Commander of the Conduct Review Division will make the assignments at the discretion of the Chief of Police.

e. Advisory Witnesses:
The Use of Force Board Chair may call upon advisory witnesses as necessary. These may include an assistant city attorney, the supervisor of the Firearms Unit, the department Less Lethal Coordinator, or the commanding officer of the Training Division.

f. Additional Attendees:
1. The involved officer's division, district or section commander, and division chief may be present for the hearing but may not cast a vote.
2. Other persons may only be present at the discretion of the Chief of Police or the Commander of the Conduct Review Division.

(6) **Appointment of Temporary Members:**
Should any member of the Use of Force Review Board recognize a conflict of interest on an individual case or be unavailable to attend a meeting for any reason, the member will be excused, and a temporary replacement will be appointed by the Chief of Police or the Commander of the Conduct Review Division.
### 110.01 General Guidelines

#### (1) Purpose

Building positive relationships is at the heart of garnering public support. It is highly important that the community and its police officers understand and appreciate the problems and responsibilities of each other. Therefore, public relation(s) becomes a factor in all police efforts.

Police officers are the most important factor in the determination of police attitudes. Day-to-day contacts between police officers and the public is the focal point of public relations, for it is during these interactions that public support can be developed. The public's acceptance or rejection of a police officer's efforts is largely a reflection of the character and behavior displayed by the officer.

Generally, under normal conditions the community is not particularly critical of police service, but when the public becomes aware of even the mere inference of unprofessional or lax police service, their resentment can be difficult to overcome, particularly if no effort has been made by the police to address or dispel their concerns.

Public support is the end product of faithful, respectful, honest, and effective service to all people in the community.

#### (2) Code of Ethics:

The Code of Ethics (Title II, Chapter 2, Article IV) section of the Revised Municipal Code for the City and County of Denver, relating to ethical behavior is of particular interest to all police personnel. All personnel of this department will be required to read, comprehend and abide by all sections of this Ordinance. With regard to the Code of Ethics, as established by the Revised Municipal Code, lack of knowledge or understanding will not be a reasonable defense against any infraction resulting in discipline. This Ordinance can be located on-line via denvergov.org under City and County of Denver – Bills, Laws and Municipal Code.

**a. Ethics, Gifts and Gratuities**

Officers will not solicit or accept gifts or gratuities that relate to the performance of their duties, except as permitted by the Denver Ethics Code. The policy is further clarified as: No officer will accept any gift or gratuity intended to influence the performance of their duty. No officer will accept any gift or gratuity for performing a function not permitted by the operations manual or rules and regulations of this department. Nor will any officer accept any gift or gratuity for failing to perform a function as required by the operations manual or rules and regulations of this department. With written approval of the Chief of Police, some recognized and sanctioned forms of soliciting funds or goods for a benevolent or charitable cause by members will be permitted. This policy statement does not supersede RR-203, Accepting Gifts from Persons of Bad Character, RR-204, Soliciting, Accepting Gifts, Gratuities, or Title II, Chapter 2, Article IV of the Revised Municipal Code of the City and County of Denver relating to the Code of Ethics.

**b. Attendance at City Auctions:**

It is the policy of the Denver Police Department that police officers and CS employees working for the police department will not be permitted to attend city auctions, unless they are acting in their official capacities.

The Board of Ethics has determined that police officers, city employees, their family members, or anyone not related but who is purchasing an item at a city auction for the direct benefit of a police officer or city employee are doing so in violation of the Code of Ethics and the Charter of the City and County of Denver.
(3) **CRITICISM OF OTHER AGENCIES**
In matters which police officers believe to be justified complaints and/or criticism of other city agencies, the complaints and/or criticism will be channeled through the chain of command. The voicing of complaints and/or criticism against other city agencies, without following the chain of command, can potentially damage interagency relationships. In the performance of all phases of police work, a positive impartial attitude will be displayed.
- Department personnel will not publically criticize the Denver District Attorney's Office or the courts concerning circumstances surrounding the release of defendants or the disposition of cases.

110.02 **MEDIA RELATIONS**

(1) **RESPONSE TO MEDIA REQUESTS:**
Department personnel may respond immediately to news media inquiries. If not personally knowledgeable about the subject, officers and civilian employees should refer the person seeking the information to a supervisor, the senior ranking investigative officer managing an investigation in question, or the Public Information Office.

(2) **CONSIDERATIONS FOR RELEASING INFORMATION:**
All members of the media will be treated fairly and will receive accurate accounts of the department's activities. Each incident will be considered in light of its particular circumstances. Some of the factors to be considered before releasing information are:
- Will the release affect the department's ability to investigate a case or jeopardize an investigation?
- Will the release unnecessarily embarrass an innocent person?
- Will the release promote pretrial prejudice to the extent that a fair trial might be compromised?

(3) **PROPER CREDENTIALS OR IDENTIFICATION:**
Any member of the department may ask for proper credentials prior to releasing any information.

a. Proper credentials include those from the Colorado Press Association, Secret Service press pass, Associated Press, United Press International, or similar type media identification from local or national radio and television organizations.

b. When telephone requests for information relating to a case under investigation are made and the identification of the caller is in doubt, the caller should be referred to the Public Information Office.

c. In those instances when the identity of the caller is unknown and a delay in the release would be impractical, identity should be determined by calling the news agency before any release is made.

(4) **MEDIA RELATIONS AND ACCESS AT THE SCENE OF AN INCIDENT:**

a. It will be up to the police officer or firefighter in charge of a scene to permit or deny permission to cross police or fire lines to obtain news information. The media may access any area where the general public is allowed.

b. Crime scenes will be secured as soon as possible. All evidence should be processed before allowing access to members of the news media. No member of the news media will be allowed in an area if there is a possibility of evidence being damaged, destroyed, or altered.

c. At the scene of hostage situations, barricaded suspects, or other major crimes, members of the public or news media will not be allowed access to any area that would disrupt police operations or jeopardize the safety of department personnel or other persons. In these situations:
   1. An attempt will be made to provide the media with a specific location as near to the scene as practical. This area will be determined by the incident commander or designated PIO. Final authority rests with the incident commander.
2. Video and radio depictions of tactical police operations that could be received by a suspect will be prohibited.

d. The news media will be granted reasonable access to areas at non-crime scenes. Common sense will determine the amount of access in situations where life and property are jeopardized. When practical, consideration will be given to the technical aspects required by the media for broadcast needs.

e. There will be no attempt to censor or prevent the media from recording the aspects of a non-crime scene, with the exception of access that would disrupt public safety operations and/or jeopardize public safety. The responsibility for the broadcast rests with the media. If a member of the media or public is denied access to a certain location, he/she will be provided an explanation of the reason for doing so.

(5) PHOTOGRAPHS, AUDIO AND VIDEO RECORDING:

a. The news media will not be allowed to photograph persons in custody within areas of department buildings considered “off limits” to the public at large. Officers may not prevent photographs of persons in custody while in public places, such as while seated in police cars and being escorted through public areas of police buildings.

b. Authorized agents of the media will be permitted to take pictures of all incidents on public property so long as the taking of such photographs does not delay or interfere with a police investigation or action, or hinder public safety.

c. Photographs of Evidence:

1. Unless it otherwise interferes with a police investigation, the news media will be permitted to photograph certain evidence, such as large amounts of contraband, narcotics or recovered property, when on display within the confines of a police building. When the investigation is to this point, officers are encouraged to notify the news media, since in all probability this will be their only opportunity to photograph the material prior to the time it is sealed as evidence.

2. No person will be included in any photograph or video recording of the display.

3. Whenever the material has been sealed as evidence, and placed in the appropriate container, it will not be reopened for any publicity purpose, but will be conveyed directly to the Evidence and Property Section. The first consideration of an officer in this procedure is to comply with the rules for the proper preservation of evidence.

d. Departmental pictures of persons or occurrences will be used by the news media only with permission of the Chief of Police, the command officer responsible for a specific investigation, or the Public Information Office.

e. Members of the media will not be permitted to pose a person in custody, nor will any member of this department deliberately pose a prisoner for such purposes.

(6) SUSPECT INTERVIEWS:

No member of the news media will be allowed to interview a federal prisoner under any circumstances while such prisoner is in the custody of the Denver Police Department. Requests for interviews of persons in the custody of the Denver Sheriff’s Department will be referred to that agency.

(7) INVESTIGATIVE INFORMATION RELEASE:

Denver 911 will normally only release verifications of addresses of radio dispatches, not details of incidents or a resume of activity. Media requests for the status of any investigation will be referred to the Public Information Office.

(8) SPECIAL REPORT/NEWS RELEASE:

When information released is of such volume or importance to constitute a news release, or when officers are involved in a situation that may become a major newsworthy event, officers may forward the
SITUATIONS INVOLVING OTHER AGENCIES OR JURISDICTIONS:

a. Whenever any agency other than the Denver Police Department initiates an activity within the City and County of Denver, that agency is responsible for releasing information about its activity to the news media. In situations involving other jurisdictions within the City and County of Denver that require investigation by the Denver Police Department, the department may release information as deemed appropriate.

b. Whenever the Denver Police Department initiates an activity in another jurisdiction, the department is responsible for releasing information to the media after advising the other jurisdiction about the activity.

c. In death investigations, the release of information to the media regarding the victim will be made subject to the notification of relatives and after positive identification of the deceased by the Office of the Medical Examiner.

d. When the Office of Emergency Preparedness is the coordinator of any activity, the Public Information Office will assist as needed.

MEDIA REQUESTS TO RIDE IN POLICE VEHICLES:

Media requests to ride in police vehicles will be referred to the deputy chief of the division to which the request is being made, or to the Chief of Police through the Community Relations Division. The deputy chief involved or the Chief of Police may authorize such requests when it is determined to be of mutual interest to the department and to the public, and will not be detrimental to normal police operations.

GUIDELINES FOR RELEASE OF INFORMATION TO THE NEWS MEDIA

OFFICER INVOLVED SHOOTING / IN-CUSTODY DEATH:

a. The Denver Police Department will not proactively release background information of subjects injured or deceased due to involvement in an officer-involved shooting, or persons who die while in-custody, unless such information is directly related to the event itself. This policy does not apply to situations where public safety would be at risk by withholding such information.

b. Though proactive release of such information will not occur; the Denver Police Department will comply with its obligations under the Colorado Open Records Act regarding requests for information.

BEFORE AN ARREST:

The release of information will be coordinated with the officer in charge of the incident.

a. Department personnel MAY release:

1. Location, time, and description of an offense, property damage, and any injuries sustained by the victim.

2. The existence of suspects, information about unidentified suspects, such as physical and vehicle descriptions, identification of suspects for whom a warrant has been issued, criminal background in compliance with OMS 109.04.

3. Method of receiving complaint, length of investigation, and officer in charge.

b. Department personnel WILL NOT release:

1. Identity of suspects interviewed but not arrested.

2. Identity of witnesses who could be subjected to danger or embarrassment, particularly sex crime victims, including any information that might identify them.

3. Information regarding physical evidence, valuables not stolen, amounts taken in robberies or burglaries, and information known only to the guilty person.
4. Any information regarding juvenile suspects, such as names, addresses, records, mug shots.
5. Misleading or false information and conjectures regarding possible suspects or fugitives.
6. Identity of homicide victims. See OMS 110.02(9)c.
7. Any information regarding police shootings without the approval of the Commander of the Major Crimes Division.
8. Any grand jury information to either the public or media without prior approval from the Chief of Police.

(3) **AFTER AN ARREST:**
The release of information will be coordinated with the officer in charge of the incident.

a. Department personnel MAY release:
   1. Adult suspect's identity, including residence, time and place of arrest, the exact charge, and facts or circumstances relating to the arrest, such as possession of a weapon or contraband recovered.
   2. Duration of the investigation and agency responsible for the arrest including identity of the officer; however, when releasing the identity of officers involved in undercover or other operations may jeopardize their safety, their name(s) will not be released.

b. Department personnel WILL NOT release:
   1. Names of juvenile suspects.
   2. Name of the suspect's employer without the approval of the commanding officer of the investigating unit. Comments about the credibility of testimony, guilt or innocence of the suspect, or the character or reputation of the suspect including prior criminal record with the exception contained in OMS 109.04.
   3. Information about the existence or content of a confession or statement made by the suspect, and the results of any examinations or tests conducted.
   4. The refusal of the suspect to make a statement or submit to any tests or examinations.
   5. Information concerning the suspect's direction or assistance in the recovery of contraband or evidence.
   6. Any information received from an informant without the approval of a supervisor in the affected investigative division or district.

(4) **INFORMATION RELEASE OR COMMENT:**
Once a case has been presented to the Denver District Attorney or Denver City Attorney, no police officer should comment on that case without first referring the matter to, or obtaining permission from the prosecuting agency. Officers will not comment on the charges they think the prosecuting agency will file or whom the charges will be filed against.

(5) **CHARGES OF MISCONDUCT AND LEGISLATIVE, ADMINISTRATIVE, INVESTIGATIVE HEARINGS:**
Nothing in this procedure excludes department personnel from replying to charges of misconduct that are publicly made against them, or from participating in any legislative, administrative, or investigative hearing. These procedures do not supersede any more restrictive rules, policies or laws governing the release of information.

(6) **COOPERATION WITH MEDIA:**
Department personnel are responsible for the information they release and they should exercise their best judgment in cooperating with the media in order to ensure that their information is factual and accurate.
110.04 **PUBLIC INFORMATION OFFICE**

(1) **SCENE ASSISTANCE:**

When called to assist at a major crime scene or incident controlled by the Denver Police Department or during the investigation of a major crime, the Public Information Office will assist with ensuring that media activities do not interfere with police operations, and that media needs are reasonably and appropriately met. Information released by the Public Information Office will be cleared through the ranking investigating officer or the officer in charge of the scene.

(2) **AVAILABILITY:**

Members of the Public Information Office are subject to call twenty-four (24) hours a day and available when needed. In their absence, the ranking officer or investigating officer in charge may handle media relations as outlined in OMS 110.02 and 110.03.

(3) **RESPONSIBILITIES:**

When the volume of inquiries makes it impractical to deal with the media, the Public Information Office should be requested to assist. After the Public Information Office has been briefed by the ranking officer or investigating officer in charge, the Public Information Office is responsible for media relations. When called to assist, a member of the office will:

a. Respond to the scene or headquarters to take charge of disseminating information to the media.

b. Make notifications or request the assistance of other personnel in making notifications to the media.

c. Assume responsibility for initiating other needed media notifications.

(4) **MAJOR INCIDENTS:**

At the scene of a major crime, hostage situation, disasters, barricaded suspects, or any other situation generating mass media coverage, the incident commander (at his/her discretion) may request the assistance of the Public Information Office through Denver 911. If requested, a member of the office will:

a. Respond to the scene and establish a media area in coordination with the incident commander.

b. Disseminate information from the incident commander (or designee).

c. Coordinate actions of the media.

d. Communicate with the public in a timely manner via social media.

(5) **ADDITIONAL PUBLIC INFORMATION OFFICE RESPONSIBILITIES:**

a. Act as a mediator in matters of disagreement between the media and the department.

b. Available to all members of the department regarding any police matter relating to the media.

c. May contact any member of the department for information regarding a newsworthy event.

d. Acting under the authority of the Chief of Police, members of the Public Information Office may waive the normally required search and copy fee for reports, records, and mug shots for members of the media if it is in the best interest of the public and the department.

110.05 **SPEAKING ENGAGEMENTS AND PUBLICATIONS**

(1) **POLICY:**

All department personnel must obtain permission from the Chief of Police prior to accepting or participating in a speaking engagement or prior to submitting any item for publication as an official representative of the Denver Police Department.

a. Department personnel who want to participate in a speaking engagement will submit their request on a Speaking Engagement Request form (DPD 500). This form will be forwarded through the chain of command for approval by the Chief of Police. Upon approval, a copy will be returned to the officer making the request and the original will be retained in the officer's station file.
b. With the exception of articles submitted for publication in community newsletters and employee organization newsletters, articles prepared for publication in which the author identifies him or herself as a Denver Police Department employee must be submitted in their entirety to the Chief of Police for approval prior to publication. Articles include, but are not limited to, items published in books, magazines, newspapers, newsletters and other periodicals, regardless if disseminated digitally or in print. See OMS 110.06 regarding electronic sharing sites and other forms of social media.

(2) **DEPARTMENT MATERIALS OBTAINED OR CREATED:**
All materials obtained or created that relate to an employee’s employment with the department remain the property of the Denver Police Department. Department personnel must articulate the intended purpose and obtain prior approval from the Chief of Police before using any department materials such as photos, videos, audio recordings, reports, badge images, and/or photos of department personnel, equipment, or buildings for training or publication purposes.

(3) **PUBLICATION IN COMMUNITY NEWSLETTERS:**
A district or division commander must approve articles submitted for publication in community newsletters.

(4) **EMPLOYEE ORGANIZATION NEWSLETTERS:**
Employees need not obtain approval prior to submitting articles to employee organization newsletters but such articles should remain professional.

**110.06 SOCIAL MEDIA**

(1) **PURPOSE:**
The Denver Police Department recognizes the significance and value of social media as a digital communication platform. This policy establishes the department’s position on the utilization of social media, including the management, administration, and oversight. This policy is intended to address social media in general, not a particular form of social media.

Additionally, this policy is intended to address concerns associated with an employee’s personal use of social media and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the department. The department recognizes the role social media can play in the personal lives of its employees and the effect it can have on their official capacity. Nothing in this policy is intended to prohibit or infringe upon the employee’s speech or expression that has been clearly established as protected or privileged.

(2) **DEFINITIONS:**

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

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

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

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

**Social Media Coordinator:** Assigned to the Community Relations Division, the social media coordinator is responsible for providing general oversight and maintaining the integrity (in terms of content and authorized users) for each official department social media account.

**Speech and Expression:** The communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
(3) **POLICY:**

The Denver Police Department endorses the secure use of social media to enhance community engagement and as a catalyst for quickly disseminating information to increase neighborhood safety and awareness. Social media assists the department in meeting community outreach, problem-solving, investigations, and crime prevention objectives. Additionally, social media is a valuable tool when seeking evidence or information regarding missing persons, wanted persons, gang activity, crimes perpetuated online and/or photographs or videos of a crime to assist in case solvability.

(4) **OFFICIAL USE:**

a. **Authorization**

1. All official department social media sites, pages or accounts must be approved by the Chief of Police, or his/her designee, prior to the utilization of such.

2. The social media coordinator will maintain a list of all approved department social media accounts. This list will identify each account, including a list of all authorized users and their level of administrative rights for that account.

3. The social media coordinator will limit access to each social media account based on assignment and needs of the department in order to maintain the integrity of the account. Unauthorized access to a department social media account is prohibited.

b. **Account Standards**

1. Where possible, each social media page will include an introductory statement that clearly specifies the purpose and scope of the department’s presence on the website which is to be aligned with the current mission, vision and values of the department.

2. Each account will clearly indicate that it is maintained by the department and will have the appropriate contact information prominently displayed.

3. Where possible, the page should link to the department’s official website.

4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of this department. Each account will clearly indicate that posted comments will be monitored and that this department reserves the right to remove any content as identified below:
   - Advertisements of any kind
   - Profane language or content
   - Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or transgender status
   - Explicit or implied sexual content
   - Conduct implying, promoting or encouraging illegal activity
   - Information that might compromise the safety or security of the public
   - Any other posting, that by its nature or content, might harm the public’s welfare
   - Comments/posts that are repetitive
   - Comments on posts/photos that do not pertain to the page post
   - Unproductive and/or repetitive attacks on the department or its personnel

5. Social media content will adhere to all applicable laws, regulations and policies including all information technology and record management policies.
   - Content is subject to public records laws. Content must be managed, stored, and retrievable in order to comply with open records laws, applicable records retention
c. **Authorized Users**

1. Department personnel authorized to represent the department via social media will conduct themselves at all times as representatives of the department, and accordingly, will adhere to all city and department policies and regulations regarding conduct.

2. Authorized users will observe and abide by all copyright, trademark and service mark restrictions when posting these items to social media accounts.

d. **Social Media as an Investigative Tool**

1. Investigative units may submit prepared case file information to facilitate the identification or apprehension of suspects and/or information in order to generate leads to the social media coordinator for posting to the departments official social media account. The investigative unit, specifically the assigned detective, has the responsibility for: 1) ensuring the information submitted to the social media coordinator conforms to the department’s standards regarding the release of information and prohibited disclosures, and 2) forwarding the item to the Commander of the Major Crimes Division for approval.

2. Investigative units may use non-official social media accounts for investigative purposes with the written permission of the Chief of Police.

### (5) DEPARTMENT EMPLOYEE PERSONAL USE:

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Denver Police Department will carefully balance the individual employee’s rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

Department personnel should always be aware that privacy settings and social media sites are constantly in flux, and that they should never assume that personal information posted on such sites is protected. Department personnel should always carefully consider the implications of their speech and any other form of expression when using social media. Finally, department personnel forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any internet site open to public view.

a. **Precautions and Prohibitions**

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech and expression does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair harmony among coworkers, adversely impact the disciplinary process, or cause disruption to the department, or to any other city agency.

2. As public employees, department personnel are cautioned that speech, on- or off-duty, made pursuant to their official duties - that is, that owes its existence to the employee’s professional duties and responsibilities - is not protected speech under the First Amendment and may form the basis for discipline. Department personnel should assume that their speech and expression, and related activity on social media sites will reflect upon their official capacity and this department.

3. Department personnel will not post, transmit, or otherwise disseminate any information to which they have access to as a result of their employment or publish materials that could reasonably be considered to represent the views or positions of this department without written permission from the Chief of Police.

4. When using social media, department personnel should be mindful that their speech and
expression becomes part of the worldwide electronic domain. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the general public, including the department, at any time, without prior notice. Therefore, adherence to any applicable city or department policy regarding code of conduct is required when engaging in the personal use of social media. In particular, department personnel are prohibited from the following:

- Speech and expression containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- Speech and expression involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of department personnel.
- Posting information pertaining to any other employee of the department without their permission.

5. Engaging in prohibited speech and expression may also provide grounds for undermining or impeaching an officer’s testimony in criminal proceedings. For example, posting statements or expressions to a website that glorifies or endorses dishonesty, unlawful discrimination or illegal behavior.

6. Cautionary Note: For safety and security reasons, department personnel are advised to use caution when disclosing their employment with this department. As such, department personnel should use caution when:

- Displaying department logos, uniforms, or similar identifying items on personal web pages.
- Posting personal photographs or providing similar means of personal recognition that may cause them to be identified as a police officer of this department.

b. Reporting violations

Any employee becoming aware of or having knowledge of a post or of any website or page in violation of this policy will immediately notify their supervisor. The supervisor will take appropriate action as outlined in OMS 503.01, Complaint and Discipline Procedures for Sworn Officers or Denver Career Service Rule 16 for civilian employees.
114.01 SECONDARY EMPLOYMENT

(1) SECONDARY EMPLOYMENT, as used in this section, is defined as any work, including self-employment, performed by any officer apart from official assigned duties and required duty times. Secondary employment is not permitted under certain circumstances as identified in this policy. Secondary employment police work can be denied or limited in hours at any time by the Chief of Police or an officer's commander. Violations of this section may result in a suspension of the off-duty work privilege in addition to formal disciplinary action.

a. The Chief of Police has complete charge of all off-duty assignments and/or secondary employment police work. The Chief of Police may delegate this authority as necessary.

b. Officers employed to perform secondary employment police work will be bound by their police authority for the enforcement of the ordinances and laws of the city, state, and federal government. Officers may act to prevent a breach of the peace or to enforce the law, however, officers are not to enforce rules made strictly in the interest of the secondary employer.

c. Officers engaged in secondary employment will be subject to all rules, regulations, and procedures of the Denver Police Department.

d. No officer will engage in any secondary employment activity, the result of which could be detrimental to the best interest of, or in conflict with, the mission, values, goals, objectives, and/or procedures of the Denver Police Department.

(2) DEFINITIONS:

Police Work: Secondary employment requiring the use of police authority.

Non-Police Work: Secondary employment not involving the use of police authority.

Supervisor: An officer holding the rank of sergeant or above.

(3) RESTRICTIONS:

a. Only officers who have successfully completed field training may work secondary employment police work and/or department paid off-duty jobs.

b. Only officers who have successfully completed probation may work secondary employment police work at establishments where the sale of liquor is the primary source of business (i.e., bars and nightclubs).

c. All officers are reminded that their primary responsibility is to the duties of their Denver Police Department assignment. Secondary employment must not interfere with their on-duty responsibilities.

d. Supervisors and command officers are prohibited from working any secondary employment that is scheduled by a subordinate officer in their chain of command.

e. No police officer will be permitted to perform secondary employment police work at a location, establishment, or venue where marijuana is sold, or the primary purpose of the location, establishment or venue is the consumption, production, testing, or transportation of marijuana or marijuana infused products. This restriction prohibits officers from providing security at any such location and from providing security for the transportation of financial proceeds from any marijuana related business.

f. Officers must complete the liquor license establishment training prior to being permitted to work in any liquor license establishment or at any location where alcohol is being served for on-site
consumption. This training needs to be completed once every three years or as directed by the Chief of Police.

1. Officers will complete the training by watching a video regarding secondary employment in liquor licensed establishments. This video can be found on DPDWeb.

2. After viewing the training video, the officer will print the "sign off form" and thoroughly review it before signing their name. After the officer has reviewed and signed the form, the form must be given to a supervisor or command officer to be signed off. A copy of the signed form will be placed in the officer’s station file. The original will be sent to the Secondary Employment Coordinator. The Secondary Employment Coordinator will send a copy of this form to Safety HR to have the officer’s TeleStaff profile updated to reflect completion of this training.

g. Officers off duty due to personal or line of duty illness/injury, extended military leave, leave of absence, suspension, and/or on a limited-duty status, will not be permitted to perform secondary employment police work. However, such officers may seek written permission from the Chief of Police to perform secondary employment non-police work. The Chief of Police will grant or deny such requests on a case-by-case basis under the same factors that are applicable to active duty officers seeking permission to work secondary employment non-police work.

h. Officers on FMLA for non-personal illness/injuries must request permission from the Chief of Police to work Secondary Employment. Upon receiving written permission from the Chief of Police, a copy of the letter will be forwarded to Safety HR and to the Secondary Employment Coordinator.

i. No secondary employment will be performed that is contrary to any section of Article IV (titled Code of Ethics) of the Denver Revised Municipal Code.

  1. No officer will be permitted to work as private security, a private investigator or for a private investigation firm without prior written approval from the Chief of Police.

  2. Before an officer may work as a bodyguard or as non-police private security, a letter will be sent to the Chief of Police through the officer’s chain of command requesting approval for this kind of employment. A copy of the approved letter will be sent to the Secondary Employment Coordinator.

j. The total of on-duty hours and off-duty police work secondary employment hours, including department authorized overtime assignments, must not exceed 64 hours in the calendar week, Sunday through Saturday. Exemptions to the maximum weekly hour limits may be made by the Chief of Police. Court time and continuous duty related overtime will not be included in this total; however, all other department paid overtime assignments, including backfill and grants, will be included.

  1. Officers who work less than 40 hours in a calendar week through the use of vacation, saved vacation, saved holiday, accumulated sick leave, or compensatory time may increase the number of secondary employment hours worked, up to the 64-hour limit, subject to the provisions of this entire section.

  2. Officers will not be allowed to work more than 16 hours in a 24-hour period. This calculation commences at the start of the first shift worked, regardless if the first shift is the off-duty job or the officer’s regular duty assignment.

  3. Officers will not split shifts and/or flex their shifts to accommodate a secondary employment schedule.

k. Officers will not perform secondary employment at any establishment, or in connection with any industry, during a period of strike affecting any of the workers connected with such industry without prior approval of the Chief of Police.

l. Officers are not permitted to work secondary employment police work that utilizes a non-police
m. Officers must be compensated directly by the employer and not by any intermediary or agent.
   1. No officer of any rank may handle or distribute any cash payments to officers.
   2. The employer must arrange for any cash distribution to officers.
   3. Checks written by the employer may be distributed by the officer coordinating the off-duty employment. If coordinated by the Secondary Employment Coordinator, the employer must make arrangements to distribute checks directly to the officer(s).

n. Officers are prohibited from working off-duty in any establishment which constitutes a threat to the status or dignity of the police as a professional occupation. This includes establishments which furnish "adult" entertainment (nudity of any kind); those which sell pornographic books, magazines, sexual devices, or videos or that otherwise provide entertainment or services of a sexual nature; or any gambling establishment not exempted by law.

o. Officers will not perform secondary employment at any establishment after a public nuisance case has been filed with the Denver City Attorney’s Office and/or the Denver District Attorney’s Office. In addition, officers will not perform secondary employment at any establishment whose primary business is the sale of alcohol for on-site consumption, social clubs, or mixed venues (combination of alcohol and non-alcohol events), where a public nuisance case has been opened by the Nuisance Abatement Unit.
   1. The Secondary Employment Coordinator will be notified by the Public Nuisance Abatement Unit of any establishments which are subject to such an investigation.
   2. Individual officers who have current requests for secondary employment for establishments which fall under the nuisance abatement restrictions will be notified by the Secondary Employment Coordinator of those restrictions when they become effective.
   3. A current list of locations subject to such restrictions will be published on DPDWeb.
   4. Restrictions on secondary employment will commence immediately upon notification by the Public Nuisance Abatement Unit.
   5. This does not preclude the Chief of Police from canceling secondary employment police work at any establishment, at any time. The Chief of Police may also withdraw his/her permission for an officer to work secondary employment non-police work at any establishment, at any time, for reasons consistent with this policy.
   6. The Secondary Employment Coordinator will make reasonable efforts to contact the scheduler and any officers who may be scheduled to work at these locations and advise them of the restriction.
   7. The Secondary Employment Coordinator and the Public Nuisance Abatement Unit will review nuisance locations quarterly to determine if the location is to remain on the list.

p. The use of police equipment in the performance of secondary employment police work (beyond official reports, communication devices, or uniform and equipment items that are issued or authorized for on-duty wear), must be approved by the Chief of Police (or designee). This approval will be granted only when the use of this equipment can be justified for the safety of the public and/or officers, or when such use is determined to be in the best interest of the department.

q. Officers assigned to the Secondary Employment Coordinator will not accept secondary employment received through their office without prior approval from the commanding officer of the Conduct Review Division.

r. Whenever a commander places restriction upon an officer regarding secondary employment issues, that commander will ensure that the Internal Affairs Division and the supervisor of the Secondary Employment Coordinator is notified of the specific restriction and its intended duration.
If the privilege is restricted for an indefinite time period, the commander will be required to notify
the Internal Affairs Division and the supervisor of the Secondary Employment Coordinator again,
when that restriction is lifted.

The notification requirement includes any restrictions placed on an officer working department
paid overtime (or other work) that requires secondary employment approval.

1. Upon transfer of the involved officer, notification of any change in status of work
   privileges must be routed through the Internal Affairs Division, the supervisor of the
   Secondary Employment Coordinator, and the officer’s new assignment.

s. Failure to obtain secondary employment approval in TeleStaff by a supervisor in the officer’s
   chain of command, prior to the officer working the job may result in suspension of secondary
   employment privileges as follows:
   1. 1st offense in a 12-month period: 60 days
   2. 2nd offense in a 12-month period: 120 days
   3. 3rd offense in a 12-month period: 360 days
   4. Subsequent violations will be dealt with by more severe sanctions.

(4) REQUIREMENTS:

a. Officers authorized to perform secondary employment police work will be responsible for properly
   advising their secondary employer of the department policy regarding secondary employment
   police work as stated on the Secondary Employment Contract (DPD 149E).

b. Officers performing secondary employment police work who become involved in a police action
   will be equipped with, and complete the routine paperwork involved with the action. Off-duty
   officers will attempt to have prisoners transported via scout van prior to calling on-duty officers to
   assist. The intent of this section is to reduce unnecessary demands on on-duty personnel.
   However, this does not relieve on-duty officers from providing backup support, aid or
   transportation required by officers performing secondary employment police work.

c. District supervisors will ensure that on-duty resources are not utilized unnecessarily and will
   monitor compliance of off-duty officers.

d. Officers using department radios will monitor the district channel in which the job is located and
   will notify the dispatcher of their location and anticipated length of the job.

e. Events staffed with more than seven officers require the off-duty supervisor to fax a detail to
   Denver 911.

f. Any provision for secondary employment does not relieve any officer from the responsibility to be
   available and/or to respond to a call for active duty by the department at any hour.

g. Officers wishing to perform secondary employment police work in plainclothes may not do so
   without prior approval from the Deputy Chief of Operations through the chain of command.
   1. Officers who work in plainclothes must have completed Denver Police Department
      training in plainclothes and undercover operations. The training verification will be
      attached to the request.
   2. The scheduling officer is responsible for ensuring that any officer who will work the job
      has received prior approval to work in plainclothes.
   3. The scheduling officer may request group approval on behalf of a number of officers;
      however, the training verification for each officer will be attached to the group request.
   4. A copy of the approved letter will be forwarded to the Secondary Employment
      Coordinator.

h. Officers working in a construction area are required to wear the department authorized helmet.

i. Officers working traffic direction or control are required to wear the basic eight-point style uniform
cap and department authorized reflective vest apparel.

j. Officers are prohibited from working any secondary employment (off-duty) job with a Denver Sheriff's Department deputy. Officers may continue to work secondary employment jobs at events where deputies operate the scout van. The Chief of Police must approve any exception to this policy.

k. Officers must allow a minimum of 15 minutes between the end of his/her regular on-duty shift and the start of his/her secondary employment shift. Exceptions may be made if the regular on-duty shift and the secondary employment shift originate at his/her regular duty assignment.

(5) **CIVIL LIABILITY WHILE PERFORMING SECONDARY EMPLOYMENT POLICE WORK:**

a. The city will not accept liability when officers are acting outside the limits of their police authority or duty, such as enforcing rules made in the interest of management and/or their secondary employer.

b. Officers are not allowed to perform secondary employment police work outside the City and County of Denver without written permission from the Chief of Police. A copy of the approved letter will be sent to the Secondary Employment Coordinator.

(6) **SCHEDULING OF OFFICERS:**

a. The Chief of Police (or designee) reserves the right to specify the number of off-duty officers required at any event or place of business at any time.

b. The Chief of Police will review all security arrangements for major events which utilize the police services of off-duty officers.

c. For major events, the district commander, the supervisor of the Secondary Employment Coordinator and the scheduling officer may have input in determining the number of off-duty officers required.

d. When scheduling officers for any event or place of business, the safety of officers and citizens attending the event are of primary concern. Consideration is given to, but is not limited to the following:

   - The location, day of the week and specific time of day
   - The anticipated crowd size and age-range of the attendees
   - The availability of alcohol at the event
   - Other events simultaneously occurring in the vicinity

e. The Chief of Police or district commander may assign an on-duty command officer to supervise and direct operations at any event where off-duty police officers are employed.

f. At those events where the Chief of Police has NOT designated an on-duty command officer, officers performing secondary employment police work will, regardless of their rank, be subject to supervision by supervisors and commanders in the district in which the work occurs. If the secondary employment police work is traffic control, the officer will also be subject to the supervision of Special Operations Division supervisors and command officers.

g. The minimum ratio of off-duty officers to off-duty supervisors participating in secondary employment police work at a specific location during the same period of time is:

   1. One to six officers: No supervisory requirement.
   2. Seven to 13 officers: One supervisor.
   3. Fourteen to 20 officers: Two supervisors. Senior supervisor is in charge.
   4. Twenty-one to 27 officers: Three supervisors. Senior supervisor is in charge.
   5. Twenty-eight to 34 officers: Four supervisors. Senior supervisor is in charge.
   6. Thirty-five to 41 officers: Five supervisors and one command officer.
7. Forty-two to 48 officers: Six supervisors and one command officer.
8. Forty-nine to 55 officers: Seven supervisors and two command officers.

**h. Scheduling officers**

1. Officers supervising and/or scheduling off-duty officers for secondary employment police work may be paid a higher hourly wage than the off-duty officers by the secondary employer or may be paid a flat-rate for scheduling other officers. Any compensation for scheduling must be paid by the employer and not deducted from the earnings of other officers working the job.

2. Officers who are responsible for scheduling other off-duty officers for secondary employment police work will not discriminate in the hiring of officers.

3. Denver police officers will not schedule Denver Sheriff’s Department deputies for off-duty work.

4. Scheduling officers, supervisors and command officers will ensure that all off-duty officers under their direction are in compliance with all restrictions and requirements to perform Secondary Employment.

(7) **INJURIES WHILE ENGAGED IN SECONDARY EMPLOYMENT:**

Officers incurring any injury which is not the result of an official police action while engaged in secondary employment will be responsible for reporting the injury directly to the State Division of Labor or the insurer of the employer. This report will not be forwarded through the police department. All such injuries will be considered by the department as an injury not in the line of duty and the officers’ absence will be deducted from their sick leave banks. Upon use of all accumulated sick leave, compensatory time and saved time, additional absence from duty will not be compensated by salary.

If the injury is the result of an official police action, the officer will comply with procedures outlined in OMS 505.10.

(8) **OFF-DUTY EMPLOYMENT AT APARTMENT COMPLEXES:**

a. Any officer providing police service in exchange for subsidized rent, at any type of housing complex, will be considered to be engaging in secondary employment police work and will comply with all of the requirements set forth in this entire section.

b. Officers may not provide any on-duty services to these employers as part of their secondary employment agreement.

c. Officers, who perform security work in exchange for subsidized rent during predetermined and fixed hours, will enter each scheduled shift in TeleStaff on the non-department paid off-duty roster. Officers will make an entry for each scheduled shift.

1. If the officer is on-call for the housing complex on the same date as his/her scheduled shift, he/she will enter the on-call times in the note field.

2. In the event an officer is called out, they will make an entry within 24-hours of the call out on the TeleStaff non-department paid off-duty roster for the affected date and times. A brief explanation of the call out will be entered in the note field. This entry can also be done via TeleStaff web access.

d. Officers who, as a condition of this type of secondary employment, are subject to being called by management to respond to incidents within the complex, must make an entry in the TeleStaff non-department paid off-duty roster for the listed job location on the first of each month, and will use the same start and end times of 00:00 to 00:00 when doing so. When this entry is approved, the officer is authorized to respond as needed and no other TeleStaff entries are necessary until the following month. This entry must include information in the notes field that the officer is on-call for the month.
114.00 **Employment Outside the Police Department**

- If an officer is called out, he/she will make an entry within 24-hours of the call-out on the TeleStaff non-department paid off-duty roster for the affected date and times. A brief explanation of the call out will be entered in the notes field. This entry can also be done via TeleStaff web access.

- The Secondary Employment Coordinator will perform periodic audits to ensure that the total time spent responding to requests for police service, in combination with any other secondary employment performed by the officer does not exceed the maximum hours permitted for Secondary Employment.

- In the event an officer exceeds the limit of off-duty hours allowed for that week as a result of time spent on call-out actions related to their employment at a housing complex, the officer will explain the circumstances in a DPD 200 through the chain of command to his/her commander.

114.02 **Secondary Employment: Non-Police Work**

(1) **Application for Non-Police Secondary Employment (DPD 149A):**

Any officer desiring secondary employment non-police work, including self-employment, will submit an Application for Non-Police secondary employment (DPD 149A), through the chain of command.

- The supervisor or command officer reviewing the letter will ensure that the officer is in compliance with all secondary employment restrictions and requirements.

- Approved or disapproved requests will be forwarded to the Secondary Employment Coordinator for distribution and filing.
  1. The original letter will be retained by the Secondary Employment Coordinator.
  2. A copy of the letter will be returned to the officer.

- In the case of recurring secondary employment non-police work, this request must be renewed annually for the upcoming year during the first 15 days of December, unless the conditions of employment change, in which case a new request must be submitted.

(2) **Conducting Commercial Business or Private Enterprise during Work Hours:**

Officers will not, at any time, carry out any function of commercial business or private enterprise on any police department property and/or during their working hours. These restrictions will apply, but not be limited to, any verbal promotion, or any advertisement, business card, poster or other printed publication.

- Officers will not use any police department equipment, vehicles, phone numbers or addresses for the purpose of carrying out the functions of a commercial business or private enterprise and/or for the buying or selling of any products or services related to that business or enterprise. See OMS RR-808

- Officers will not use their official titles in connection with any commercial business or private enterprise without the express permission of the Chief of Police. See OMS RR-206.

- Exception to these restrictions is the posting of notice on police department bulletin boards, providing that these notices do not contain police department phone numbers or addresses.

114.03 **Secondary Employment: Police Work**

(1) **Secondary Employment Contract (DPD 149E):**

- Any employer requesting off-duty Denver police officers must complete a Secondary Employment Contract. The submitting officer will provide the employer a copy of the contract and forward the original to the Secondary Employment Coordinator.
  1. Contracts for paid uniformed secondary employment include a fee to address the cost of body worn camera utilization.
2. Contracts for volunteer uniformed secondary employment do not include a fee for body worn camera utilization. Officers will write “Volunteer Secondary Employment” on the face of the form prior to submission to the Secondary Employment Coordinator.

b. The Secondary Employment Contract must be renewed by December 15th of each year for the upcoming year, and whenever the original signer changes. December 16th through December 31st will be deemed a grace period, however, if the contract has not been received by the Secondary Employment Coordinator by the end of the grace period, officers will not be permitted to work the off-duty job.

c. Officers who work a job where no contract has been filed with the Secondary Employment Coordinator are subject to suspension of their secondary employment privileges.

(2) SUPERVISORS RESPONSIBILITY:
Supervisors will monitor their officers’ secondary employment on a weekly basis to ensure compliance with secondary employment policy and procedures, specifically to ensure they are not exceeding the maximum daily and weekly hours allowed.

(3) APPROVING SECONDARY EMPLOYMENT REQUEST THROUGH TELESTAFF:

a. All non-department paid off-duty jobs and department paid off-duty jobs are processed in TeleStaff and appear on the roster. Standard procedure requires officers to place themselves on the off-duty job on the TeleStaff roster. There may be circumstances where a supervisor places the officer on the job. (See the TeleStaff procedure manual for further instruction)

b. All secondary employment work requires approval. Supervisors provide the required approval for secondary employment. When an officer adds his/her name to an off-duty job on the roster, a work code is placed on their TeleStaff calendar. This work code contains the job name and the hours of the job to be worked. The supervisor will approve the officer’s off-duty job through TeleStaff. All off-duty jobs must be approved by a supervisor in the officer’s chain of command before the job is worked. (See the TeleStaff procedure manual for further instruction)

(4) CANCELLING SECONDARY EMPLOYMENT JOBS:

a. Officers are limited to a specific number of hours for off-duty work each week. It is important to cancel off-duty jobs in TeleStaff so the officer’s calendar accurately reflects the total number of off-duty hours worked.

b. If an officer needs to cancel an off-duty job, the officer must contact a supervisor. The supervisor will remove the officer from the off-duty job in TeleStaff by editing the work code to forfeit. No further action is required.

(5) EMERGENCY REQUESTS:
An emergency request is a same day request to work an off-duty job, where the requesting officer may not have access to their chain of command for approval.

a. Officer’s Responsibility:
The requesting officer will contact an on-duty supervisor from the district where the off-duty job is located, to request that they approve the TeleStaff entry. If the officer did not have computer access to make an entry in TeleStaff, he/she will request that the supervisor enter the job in TeleStaff and also approve the entry.

b. Supervisor’s Responsibility:
The supervisor will exercise due care in approving such requests to ensure that the requesting officer is eligible to work the requested assignment. After entering and/or approving the TeleStaff entry, the supervisor will notify the officer’s chain of command of the request and approval, via email.

c. Emergency Request for secondary employment job not in TeleStaff:
If this job has not yet been entered in TeleStaff, the officer will have the employer complete the secondary employment contract, the officer will then forward the contract to the Secondary Employment Coordinator along with information about who worked the new job and on what date. The officer will contact a supervisor before working the job and the supervisor will add the officer to TeleStaff under a job titled “To be configured” on the non-department paid off-duty roster in TeleStaff.

(6) EDITING HOURS WORKED:
If the actual hours worked for an off-duty job differ from the scheduled hours, the actual hours need to be adjusted in TeleStaff. Officers will need to contact their supervisors within 48-hours to edit the time in TeleStaff. (See the TeleStaff procedure manual for further instruction)

(7) USE OF COMPENSATORY TIME TO WORK SECONDARY EMPLOYMENT:
Use of compensatory time will not be granted to any individual officer on a regularly scheduled basis for any purpose, including working secondary employment.

a. When the operational needs of the department are not jeopardized, and when staffing permits, officers may seek prior written approval from their commander to use comp time to work secondary employment. In such situations, commanders must document the nature of the circumstance on a DPD 200 and forward their justification to their deputy chief for review. The commander will then forward the approved request to the Secondary Employment Coordinator for filing.

b. When deciding to grant the use of compensatory time, commanders must adhere to the policy that the officers’ on-duty responsibilities have been met. Commanders must continually review the records of officers under their command to ensure that during periods in which compensatory time has been granted, overtime was not routinely necessary to complete non-emergency duties.

c. The use of compensatory time must be approved by a supervisor, and no detail will go below minimum staffing levels to accommodate an officer working a department administered overtime assignment.

d. If an officer is authorized to be excused from his/her normal shift by the use of compensatory time, under no circumstances will premium pay be authorized to backfill the hours the original officer was excused.

e. Compensatory time used for this purpose cannot be accumulated in the same day as used. The compensatory time must be from the individual officer’s compensatory bank.

114.04 DEPARTMENT ADMINISTERED OVERTIME ASSIGNMENTS

(1) GRANTS:
A grant is awarded to the department and typically used as paid overtime to address specific situations (e.g. DUI LEAF grant is overtime money dedicated to DUI enforcement). A grant is another type of secondary employment. Pay for grant assignments appear on an officer’s paycheck.

All grants are processed in TeleStaff and appear on the roster. There is a roster view titled “Grants” that displays the active grants.

Officers place themselves on the job roster. Grants, like off-duty jobs, require approval by the officer’s supervisor. The second approval occurs when a command officer reviews off-duty/grant hours worked by his/her personnel. Command officers have the option of adding their badge number to off-duty and grant work codes.

The Grant Coordinator is responsible for recording actual hours worked on the officer’s calendar.

(2) NON-GRAANT DEPARTMENT PAID SECONDARY EMPLOYMENT:
This secondary employment encompasses department paid off-duty jobs (paid by the city) that are not a grant. The officer’s payment is included in the department paycheck. All off-duty jobs are processed in
TeleStaff and appear on the roster. Standard procedure requires that officers place themselves on the off-duty job on the department paid off-duty roster. There may be circumstances where a supervisor places the officer on the job, i.e. an emergency request. If you don’t find the job in this roster view, check the “Grants” roster.

As with all secondary employment, this job must be approved by a supervisor before the officer works the job.

If the actual hours worked for a department paid off-duty job differ from the scheduled hours, the actual hours are to be adjusted in TeleStaff. Officers may be asked to submit the “Officers Overtime Authorization” slip to the on-site supervisor or job supervisor. The supervisor will enter the actual hours worked in TeleStaff.

(3) **ADMINISTRATION OF DEPARTMENT PAID OVERTIME ASSIGNMENTS:**
All department paid overtime assignments will be administered under the direction of the commander whose division has primary responsibility for the assignment.

(4) **PRIORITIZATION OF ELIGIBLE OFFICERS:**
Prioritization of eligible officers will be made according to assignment, expertise or training required, as determined by the affected commanders (or their designees). Appropriate measures will be taken to ensure consistency of work rules if more than one bureau, district, division, or section is involved in carrying out the assignment.

(5) **UNSUITABLE PERFORMANCE BY OFFICERS:**
Incidents of unsuitable performance by officers working paid overtime assignments (absence, tardiness, improper equipment, etc.) will be documented and may result in an officer being excluded from future overtime assignments administered by the department.

(6) **USING ACCUMULATED COMPENSATORY TIME:**
Officers may use accumulated compensatory time to be excused early from their normal work shifts to work department administered overtime assignments. Officers must follow the guidelines found in OMS 114.03(7).

(7) **SPLITTING OF SHIFTS PROHIBITED:**
No splitting of shifts will be allowed to accommodate a department administered overtime assignment.
**117.00 EMPLOYEE RIGHTS**

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**117.01 BILL OF RIGHTS (SWORN OFFICERS ONLY)**

1. **EXERCISING RIGHTS:**
   
   No officer will be disciplined or discriminated against with regard to his/her employment, or be threatened with any such treatment, by reason of his/her exercise of the rights granted in this Police Officer's Bill of Rights.

2. **DISCRIMINATION:**
   
   Police officers will not be discriminated against or penalized in regard to their employment because of actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation or for any reason not related to performance or the ability to perform as professional police officers.

3. **NOTIFICATION:**
   
   No officer will have any comment adverse to his/her interest entered in the Performance Evaluation System or personnel file without having the opportunity to read and sign the instrument containing the comment. The officer may, within thirty (30) days of learning of the adverse comment, file a written response to be attached to the adverse comment.

4. **PRIVACY:**
   
   No locker or other space for storage that is provided by the department and assigned to an officer will be searched except:
   - in the officer's presence, or
   - with the officer's consent, or
   - unless a valid search warrant has been obtained, or
   - when notification has been made that a search will be conducted.

5. **POLITICAL ACTIVITIES - GENERAL:**
   
   No officer will be prohibited from engaging in political activities, except for those restrictions provided by law and departmental procedures governing off-duty employment and except when on-duty or when acting in his/her official capacity, provided such activities do not impede or impair the efficient operation of the department.
   
   a. No officer while seeking or holding any political office will appear in that capacity in the Denver police uniform or use his/her position as an officer to gain political office or carry out the duties thereof.

6. **INTERNAL INVESTIGATION COMPLAINTS:**
   
   An officer under internal investigation will be informed of the general nature of the investigation as soon as practical after the complaint has been received. This provision will not apply to a complaint/investigation that would be jeopardized by such notification.
   
   a. Officers subject to an internal investigation will be permitted to read the written complaint summary prior to being required or compelled to make a verbal or written statement concerning the matter under investigation. The complainant's name will not be deleted from the complaint summary unless the disclosure of such information would jeopardize the ongoing investigation.

   b. All officers who are the subject of an internal investigation, may at their option, be accompanied to the administrative interview by an immediately available observer of the officer's choice. The
observer chosen must be able to attend the interview within a reasonable period of time. No interview will be conducted unless the requested observer is present. During the interview, however, the observer may only act as a witness to the proceedings. The observer may be excluded if his/her behavior becomes disruptive to the interview. This section is intended to apply to investigations initiated by the Internal Affairs Bureau or any formal investigation initiated by an officer's supervisor. It is not intended to interfere with normal inquiries and counseling sessions conducted by an officer's supervisors.

1. Any witness to the alleged offense or violation will not be permitted to act as an observer for the officer under investigation.

2. If a Denver police officer is selected and agrees to act as an observer, he/she will not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information of a NON-CRIMINAL nature received from the officer under investigation. Information regarding criminal acts is not privileged and must be disclosed by a police officer acting as an observer.

c. Any officer contacted by the Internal Affairs Bureau with regard to providing a statement or other information will be advised, prior to the interview, as to his or her status with reference to the matter under investigation, that is, whether or not the officer is being questioned as a witness or as the subject or possible subject of an internal investigation.

d. An officer called for a subsequent internal investigation interview will be afforded the opportunity to review all of his/her prior statements, whether written, sound or video recorded, prior to being asked any further questions.

e. Internal investigation interview sessions will be conducted for reasonable periods, and will be timed to allow for such personal necessities and rest periods as are reasonably necessary. At a minimum, at the officer's request, there will be one (1) five-minute (5) break in each hour of interview. The times of all such breaks, as well as the beginning and ending times of the interview, will be noted in the reports/recordings of the interview.

f. Whenever an officer is interviewed pursuant to an internal investigation, the interview documents, including written reports and/or sound or video recordings, will contain the names of all persons present during the course of the interview and the date, time, and times of the breaks during the course of the interview will also be included:

1. Upon request, the officer interviewed will receive a copy of his/her statements.

2. An officer will be allowed to sound record the interview, provided that the Internal Affairs Bureau is permitted to make a copy of the recording.

g. Unless immediate action is required, the internal investigation interview will be conducted at a reasonable hour, preferably during the officer's normal work shift.

h. All internal investigation interviews will be conducted in a private setting, if at all possible.

i. All investigations conducted by the Internal Affairs Bureau should, if possible, be performed by an officer of the next rank higher than that person being investigated. Ideally, all investigating officers should have investigative experience or skills and prior supervisory experience.

j. Officers under investigation by the Internal Affairs Bureau will not be compelled to submit to a polygraph. An officer under investigation may, of his/her own volition, request to undergo a polygraph examination. If a polygraph is to be conducted at the officer's request, prior approval by the Chief of Police will be required.

k. Prior to an officer being questioned regarding any incident that could result in departmental violations or criminal charges, the person conducting the internal investigation interview will make a decision to give the officer either the Miranda warning, when law violations are suspected, or the administrative advisement pursuant to internal investigation. If during questioning under the
117.00 Employee Rights

administrative advisement pursuant to internal investigation it is suspected that the officer may be involved in a law violation, the interviewer will cease questioning and give the Miranda warning.

I. No officer being interviewed will be subjected to offensive language or threatened in any manner, either physically or psychologically, except that an officer refusing to respond to questions will be informed that failure to answer questions directly related to the investigation may result in disciplinary action.

(7) Personnel Files:

By appointment, all officers may review the contents of their personnel file. Officers have the ultimate responsibility for ensuring that their files are complete, current, and accurate in terms of personal information and commendations. Officers should review their files on an annual basis, at minimum, to verify the contents.

117.02 Assignment of Officers

No on-duty or off-duty assignment of officers will be made on the basis of an officer's actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. This policy will in no way limit the department from assigning to work at an event any officer who volunteers to do so.

117.03 Political Activities – Laws and Rules and Regulations

(1) Prior to engaging in political activities, officers will ascertain that such activities are legally permissible, in compliance with departmental rules and regulations and the secondary employment procedure, and are compatible with their position and duties as police officers.

a. The laws affecting political activities by Denver police officers include:
   - Title 5, Chapter 15 United States Code (The Hatch Act);
   - Denver City Charter Sections 1.2.8, 1.2.9, 1.2.10, 1.2.12; and
   - Denver Revised Municipal Code (DRMC) sections 2-52 (definitions), 2-53 (board of ethics), 2-54 (advisory opinions and waivers), 2-60 (gifts to officers, officials, and employees), and 2-61 (conflicts of interest while employed).

b. Excerpt from DRMC 2-61(g):
   “No officer, employee or official may have any other employment or position which is incompatible with his or her duties or that adversely affect the interests of the city.”

c. Excerpt from DRMC 2-54(d):
   “A person whose conduct is in accordance with an advisory opinion or a published unreversed advisory opinion of the board of ethics shall not be found in violation of any of the provisions of this article.”

d. Except for the exercise of such fundamental rights as voting, attending political meetings and membership in political clubs and organizations, officers are advised to obtain an advisory opinion from the Denver Board of Ethics prior to engaging in political activity.

e. Questions arising as to whether certain political activities are prohibited by the Federal Hatch Act may be submitted to the U.S. Merit Systems Protection Board for an advisory opinion. The United States Civil Service Commission has ruled:
   “An officer or employee of a State or local agency is subject to the Act if, as a normal foreseeable incident to his/her principal position or job, he/she performs duties in connection with an activity financed in whole or in part by Federal loans or Grants; otherwise, he/she is not.” [Applied: IN RE BALDASSARO, 2 POLITICAL ACTIVITY REPORTER 708 (1963)]
f. Officers will familiarize themselves with Rule and Regulations 702 through 704 prior to engaging in political activities.

117.04 COLLECTIVE BARGAINING AGREEMENT GRIEVANCES

Any grievance filed under the collective bargaining agreement between the City and County of Denver and the Denver Police Protective Association will follow the procedure outlined in the collective bargaining agreement in force at the time.

- The central repository for storage of any grievances at the conclusion of Step 2 under article 30.4 of the Collective Bargaining Agreement will be the Civil Liability Section within the Denver Police Department.

117.05 DEPARTMENT OF SAFETY EEO POLICY (SWORN AND CIVILIAN)

It is the policy of the Department of Safety that its employees (both Career Service and sworn), contract employees, temporary workers, and applicants for employment have a right to be free of discrimination, harassment, and retaliation based upon actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital status, military status, religion, political affiliation, genetic information or any other basis protected by federal, state, or local law or regulation.

(1) Examples of conduct that could violate this policy include but are not limited to:

   a. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, or repeated request for dates, invitations, jokes, or comments;
   b. Visual conduct such as pornographic or racist material on cellular phones or electronic tablets, derogatory posters, pictures, cartoons, drawings, or gestures;
   c. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at a person because of a protected basis and/or class;
   d. Quid pro quo: Threats or demands to submit to sexual requests in order to keep a job or avoid some other adverse action, and offers of job benefits in return for sexual favors;
   e. Basing an employment decision (such as hiring, promotion, discipline, pay increase, job assignment, PEPR rating, or termination) on any of the protected classes found above; and
   f. Retaliation for in good faith engaging in protected activity. (Please see section (7) for more detailed information on retaliation.)

(2) Individuals who believe they are being subjected to prohibited discrimination, harassment, hostile work environment and/or retaliation, if comfortable, are encouraged to tell the offending employee that such behavior is offensive and should be discontinued. If the individual does not feel comfortable and/or the offensive conduct continues, the individual should report this behavior to one of the individuals identified in A-D of this paragraph, below, immediately.

All Department of Safety employees are required to promptly report potential violations of this policy so that appropriate actions may be taken. Potential violations should be reported to any of the following:

   a. Any supervisor in the reporting employee’s or offending employee’s agency or work unit, inside or outside the chain of command;
   b. The Internal Affairs Bureau for the reporting employee’s or offending employee’s agency (available twenty-four hours per day, seven days per week);
   c. The Safety Employee Relations Specialist; and/or
   d. The Department of Safety, Human Resources Division.

Nothing in this policy precludes an employee or applicant from contacting or filing a charge of discrimination or claim with an external agency such as the Equal Employment Opportunity Commission or the Colorado Civil Rights Division. Consultation with a peer support or employee group representative
shall not constitute reporting of a potential policy violation, nor shall it be considered legal knowledge or notice to the City or Department of Safety.

A report or complaint of discrimination, harassment, and/or retaliation may be made verbally or in writing. Anonymous reports/complaints will also be accepted and evaluated for further investigation. Any person reporting a potential violation of this policy or otherwise taking part in the complaint or investigation process should understand that confidentiality will be kept to the extent possible. Any person submitting a good faith complaint of harassment, discrimination, hostile work environment and/or retaliation or provide information related to such complaints, will be protected against retaliation.

(3) The Department of Safety and its respective divisions, have mechanisms in place for prompt, thorough and impartial investigations when claims of discrimination, harassment/hostile work environment, and/or retaliation are brought to their attention. Depending on the complainant’s Career Service status and/or Civil Service Status, the investigation will be completed by the Employee Relations Specialist and the Department of Safety Human Resources Department, or the respective Internal Affairs Bureau and the Employee Relations Specialist. When complaints alleging a violation of this policy occur, an investigation will occur that includes an official disposition, regardless of whether the respective division or department deems the merit of the complaint valid.

(4) Supervisors and managers who become aware, by any formal or informal means, of possible discrimination, harassment, or retaliation must take prompt, reasonable actions to stop the prohibited behavior. Additionally, supervisors and managers must promptly report any information concerning the possible prohibited behavior to the Safety Employee Relations Specialist and their agency head, unless the agency head is the subject of the complaint. If the agency head is the subject of the complaint, employees, supervisors or managers, must report the complaint directly to the Employee Relations Specialist. Supervisors or managers who serve as employee group representatives or peer support officers are subject to applicable confidentiality agreements and notice to such individuals while acting in their peer support capacity shall not constitute reporting or notice to the agency, Department of Safety, or City.

(5) The Department of Safety maintains “zero tolerance” regarding violations of this policy, meaning the Department will not knowingly tolerate acts of discrimination, harassment, or retaliation. Allegations about potential violations of this policy will be taken seriously and the Department will promptly undertake reasonable steps to address all allegations of discrimination, harassment, or retaliation. All investigations will be conducted promptly, thoroughly, and impartially. Appropriate actions may include, but are not limited to, discipline (up to and including termination), training, mediation, or other effective remedial action commensurate with the severity of the offense and any such actions will occur as soon as practicable for even a single violation of the policy.

(6) If an employee reporting harassment, discrimination, or retaliation pursuant to this policy does not wish to be identified as a complainant, the Sheriff, or Chief of the employee’s agency may be listed as the complainant in any subsequent investigations of the report. In cases where a Chief of the Department or the Sheriff are alleged to be engaging in conduct in violation of this policy, the Executive Director of Safety may be named as the complainant in any subsequent investigations of that report.

(7) Retaliation is strictly prohibited against employees who have in good faith engaged in protected activity. Protected activity includes but is not limited to:
   a. Opposed conduct that potentially violates this policy, including but not limited to making a complaint or protest on behalf of another individual;
   b. Reported conduct that the employee experienced or witnessed, and reasonably believes to constitute a violation of this policy; or
   c. Assisted or participated in an investigation, claim, lawsuit, or hearing concerning a complaint of discrimination, harassment, or retaliation. This includes but is not limited to making a report or complaint or providing a witness interview during an investigation or;
   d. Requested a reasonable accommodation based on religion or disability or;
e. Notified their employer/supervisor of their pregnancy status or intent to take parental leave.

Retaliation is conduct taken against an employee or applicant because the employee or applicant has engaged in any of the above listed protected activities. Retaliation can include but is not limited to such acts as disciplining an employee, giving an employee a negative performance evaluation, refusing to recommend an individual for a benefit for which he or she qualifies, giving an employee a less desirable job assignment, spreading rumors about an individual, encouraging hostility from coworkers, and escalating harassment. Any Department of Safety employee engaging in or encouraging retaliation may be subject to proper actions, including but not limited to discipline (up to and including termination), mediation, or training, even for a single offense.

The intent of this of this policy is to ensure that the Department of Safety takes immediate and proper action to eradicate harassing, discriminatory or retaliatory behavior regardless of whether the behavior violates federal or state law.

117.06 PROTECTED INFORMATION (SWORN AND CIVILIAN)

(1) RETALIATION PROHIBITED:
It is the policy of the Denver Police Department to encourage the disclosure of information regarding the violation of any rules, regulations, or laws by any city employee. No employee of the Denver Police Department will retaliate in any manner against another employee or civilian witness for disclosure of such information to a police investigator, city official, governmental agency, chief’s hearing, use of force review board, tactics review board, Denver Office of the Independent Monitor, citizen oversight board, the Safety Employee Relations Specialist, Denver Career Service Board, any Denver Career Service Board hearing officer, the employee’s appointing authority, Denver Civil Service Commission, and Denver Civil Service Commission hearing officer, or the Denver City Board of Ethics. No employee of the department will intimidate or attempt to deter another employee or civilian witness from disclosing such information. All such disclosures must be made in good faith and with reasonable cause to believe in the truthfulness of the information disclosed.

(2) PROHIBITED CONDUCT:
Any conduct in violation of this policy is prohibited and will subject the employee to appropriate discipline.

(3) INFORMATION DISCLOSURE:
Any disclosure of information made in bad faith, or without reasonable regard for the truthfulness of the information disclosed, or in violation of a prohibition recognized by law, rule, or regulation, may subject the employee making the disclosure to appropriate discipline.

117.07 INVESTIGATION GUIDELINES (SWORN AND CIVILIAN)

(1) PROCEDURES – SWORN OFFICERS AND SWORN/CS EMPLOYEE COMBINATION:
If the subject of an investigation is a sworn officer or if subjects of the same complaint/investigation are a combination of sworn officers and civilian employees:

a. All allegations of a violation of law or department policy will be thoroughly investigated by the Internal Affairs Bureau (IAB) in accordance with section 503.01. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.

b. All allegations against sworn officers of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Internal Affairs Bureau and the Safety Employee Relations Specialist.

c. The Commander of IAB must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.

d. All complaints of discrimination, harassment, or retaliation will be given an IAB case number.
(2) **PROCEDURES – CS EMPLOYEES:**

If the subject(s) of an investigation is/are solely civilian employee(s):

a. All allegations of a violation of law will be thoroughly investigated by the Internal Affairs Bureau. Disciplinary actions for civilian employees are handled by the Safety Human Resources Division.

b. All allegations of a violation of department policy will be thoroughly investigated by the subject employee’s supervisory chain of command and the Safety Human Resources Management Division. The Internal Affairs Bureau may provide assistance upon request.

c. All allegations against civilian employees of discrimination, harassment, or retaliation based on a category protected by law or department policy will be thoroughly investigated by the Safety Employee Relations Specialist.

d. The Safety Employee Relations Specialist must advise the Chief of Police of all complaints of discrimination, harassment, or retaliation, including anonymous complaints, within seventy-two (72) hours of receipt of the complaint.

e. All complaints of discrimination, harassment, or retaliation will be given a case number.

(3) **GENERAL PROCEDURES:**

a. Anonymous complaints will be evaluated by the commander of IAB and the Safety Employee Relations Specialist (if alleging discrimination, harassment, or retaliation) to determine the appropriate course of action.

b. The complainant will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.

c. The subject officer or employee will be notified at the onset, periodically during (as necessary), and at the conclusion of the investigation, unless any such notification could compromise the investigation.

d. The complainant will be advised in writing by the department of the final disposition of the case.

117.08 **COMPLAINT OR APPEAL FILED BY CIVILIAN EMPLOYEES**

(1) **GENERAL PROCEDURES:**

Civilian employees who have attained career status may refer to Career Service Rules 15 and 19 for procedures concerning the filing of complaints and appeals through Career Service.

- Civilian employees who have not attained career status may refer to Career Service Rule 15 for the applicable provisions concerning the filing of complaints.

(2) **HARASSMENT, DISCRIMINATION OR RETALIATION:**

Civilian employees may refer to OMS 117.05(4) or Career Service Rule 15-103 for procedures in filing complaints of harassment, discrimination, or retaliation.
118.00 BIASED POLICING AND CRIMINAL INTELLIGENCE INFORMATION

118.01 POLICY STATEMENT
(1) The City and County of Denver has been, and remains, committed to the protection of civil rights and liberties for all people as expressed in the United States and the Colorado Constitutions.
(2) The Denver Police Department respects and values public safety intelligence gathering as an indispensable part of law enforcement and of national security. However, such information must be regularly and rigorously examined to ensure compliance with OMS 118.03 and state and federal constitutional and statutory provisions. No information on any individual, group, or organization will be entered into the criminal intelligence database solely because of their political views, religion, social views, associations, or expressive activities.

118.02 BIASED POLICING
(1) PURPOSE:
   a. To reaffirm the Denver Police Department’s commitment to unbiased policing;
   b. To reinforce procedures that serve to maintain public confidence by providing services and enforcing laws in a fair and equitable manner; and
   c. To remind officers of “probable cause” and “reasonable suspicion” criteria.
(2) DEFINITIONS:
   Biased Policing: The practice of singling out or treating differently any person based solely on any of the following: actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital or military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation.
   Investigatory Stop – Police Initiated [see CRS §16-3-103(1)]: A peace officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit a crime, and may require the person to show identification if available. Officers have the right to ask the following:
   • Name
   • Address
   • If the person is driving a motor vehicle, officers may ask for:
     o Driver license
     o Vehicle registration
     o Proof of insurance
   An explanation of the subject’s actions (i.e., where they are coming from or going to). The person does not have to reply, but refusal to provide identification is grounds for charging DRMC 38-81 (c) Interference with police authority. The stopping itself will not constitute an arrest.
   A peace officer will not require any person who is stopped pursuant to this section to produce or divulge such person's social security number.
   At the conclusion of an investigatory stop, the officer must arrest the person (with probable cause) or tell the person that he/she is free to leave and allow them to do so. With the person’s consent, officers may still question them.
   Investigatory Stop – Searching for Weapons/Frisk [see CRS §16-3-103 (2)]: When a peace officer has stopped a person for questioning (investigatory stop) and reasonably suspects that his/her personal
safety requires it, he/she may conduct a limited search, or “FRISK” by patting down the outer clothing for weapons.

If a FRISK reveals what feels like a weapon, he/she may search for and remove it from the clothing. Upon removal of the item, the officer may seize it if is determined to be:

- A weapon
- Contraband (Possession of any illegal item)
- Stolen goods

If the FRISK reveals an illegal weapon or illegally concealed weapon, the officer will have cause to arrest and make a full search of the person and the immediate area within the person's reach.

Lawful items temporarily seized for safety reasons during the limited search for weapons will be returned to the person, or in the event of arrest/custody or ongoing investigation, will be placed in the Evidence and Property Section.

Probable Cause: An officer reasonably believes that a crime has been or is being committed. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion.

Reasonable Suspicion of Criminal Activity: Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer a particularized and objective basis to believe that there is a reasonable possibility that an individual is involved in a definable criminal enterprise or activity. In determining whether “reasonable suspicion” is present, a law enforcement officer may consider, within the totality of circumstances, the fact that the individual has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, will not be sufficient to satisfy the reasonable suspicion requirement.

(3) Policy:

a. The philosophy and practice of the Denver Police Department is to encourage public trust and confidence. Though other relevant factors in combination with race may be appropriate as a means of identifying persons involved in violations or criminal acts, the department's policy is to ensure that race and any prohibited factors are not solely used as the basis for discretionary investigatory stops. In accordance with this policy, the completion of a data card by officers is required when initiating investigatory stops. Relevant data from these police/citizen contacts will be captured and retained for future analysis.

b. The policy of the Denver Police Department is to respect every person's:
   1. Right to equal protection under the law;
   2. Right not to be deprived of life, liberty, or property without due process of law; and
   3. Right to free speech and freedom of association under the First Amendment of the United States Constitution.
   4. Right to be free from discrimination or harassment because of actual or perceived race, color, creed, national origin, ancestry, sexual orientation, physical or mental disability, age, gender/sex (including pregnancy, childbirth, or caregiver status), marital or military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. Prohibited discrimination and harassment includes engaging in offensive or derogatory written, verbal, or non-verbal activity based on an individual’s membership in any of the protected classes set forth above.

   c. It is also the policy of the Denver Police Department that, as required by the Fourth Amendment of the U.S. Constitution and Article II, Section 7 of the Colorado Constitution, all of the following police-initiated actions must be based on a standard of reasonable suspicion or probable cause to believe that a crime has been committed or is about to be committed by the person who is the subject of the detention or stop:
1. All investigative stops, traffic stops and arrests; and
2. All searches (absent consent or a search warrant) of persons and/or property.

In order for officers to support a determination of probable cause or reasonable suspicion for an arrest, investigatory stop or traffic stop, officers must be able to articulate specific facts, circumstances and conclusions that justify the arrest or stop. Officers are required to consider whether the particular suspect could reasonably have been involved in the suspected crime.

Furthermore, officers will not make routine or spontaneous law enforcement decisions (e.g., ordinary traffic stops, pedestrian stops, other stops or detentions, or decisions to request consent to conduct searches) based upon to any degree a person’s race, ethnicity, national origin, immigration status, age, religion, gender, gender identity, or sexual orientation unless these characteristics, traits, attributes, or statuses are contained in suspect descriptions that have been provided to officers. Profiling or discriminating on the basis of these characteristics, traits, attributes, or statuses is prohibited.

In taking police actions, officers may never rely on generalized stereotypes but may rely only on specific characteristic-based information. In other words, officers may take into account a specific suspect’s reported characteristics, traits, attributes, or statuses listed above in the same way they would use specific information regarding height, weight, etc., about specific suspects.

d. Traffic enforcement and pedestrian contacts are routinely performed by officers. For the motorist or pedestrian who is stopped, this exchange occurs with less frequency and is often perceived as an emotionally upsetting experience. Officers should be aware of this and should strive to make each contact educational, while performing the necessary task in a fair, professional and friendly manner. In doing so, the contacted individual is hopefully left with a clear understanding of why the officer made contact and a better understanding of law enforcement practices.

e. For information regarding immigration enforcement policy as it relates to the Denver Police Department, see DRMC 28-250, 28-251, 28-252, 28-253 (Public Safety Enforcement Priorities ACT).

(4) STOP DATA COLLECTION:
Officers will collect stop data on all police-initiated (class 2) actions from any routine patrol or personal initiative that results in a detention or stop. Data will be collected on such investigatory stops to examine the issue of biased policing and to improve community-police relationships.

a. Required stop data collection:
1. **Persons on foot:** all persons not free to leave at any point of the contact.
2. **Traffic contacts:** vehicle driver/operator only.

b. The officer responsible for the decision to stop and/or search is required to complete and submit the stop data information at the earliest opportunity following completion of the detention or stop.
1. When internet access is not available, officers will complete a paper version of the data entry template. Upon gaining internet access, officers will at the earliest opportunity transcribe stop data from the paper form and submit it using the electronic template.

c. All stop data fields must be answered from the perspective of the officer who was responsible for the decision of the stop and/or search.
1. Most stop data fields are formatted with dropdown options. Officers will select the most appropriate selection based on their perception prior to the stop and not from information learned during the contact (e.g., race/ethnicity or age).
2. The Reason for Contact is a mandatory narrative open-text field. The narrative field should articulate all the facts and/or information relied upon to conclude that there was reasonable suspicion that the person stopped had committed, was committing, or was about to commit a crime.
3. When officers select “other” as the reason for a pat-down or search, they will provide details within the narrative.

d. Class 1 actions, where an officer is directed to an activity or when consensual/casual contacts occur, do not require the completion of the stop data information.

e. Data collection will be retained in accordance with GRRS 100.080 U (General Records Retention Schedule). Stops not resulting in charges (including traffic, misdemeanors, and felonies) will be retained for five (5) years. Stops resulting in charges will be in accordance with the specific violation or crime type as specified in GRRS 100.080 U.

(5) VIOLATIONS:
Failure to complete data collection as required by this policy will result in the following discipline and actions:

a. First violation in a 12-month period: Oral reprimand, and:
   1. Mandated officer review of entire biased policing policy,
   2. Follow up meeting with supervisor to discuss key points,

b. Breaches of the data collection requirements of this policy prior to the date of occurrence of the first violation will not be counted as additional violations.

c. Second violation in a 12-month period: Written reprimand

d. Concurrent with the second violation, an in-depth audit of the officer’s contacts will be conducted and documented by the Performance Development Unit and will generate a formal Personnel Assessment System (PAS) review. If the audit identifies other potential violations, it may result in an additional investigation, discipline, and/or corrective training.

e. Third Violation in a 12-month period: 1 fined day

f. Purposeful, flagrant, or repeated violations will result in more severe disciplinary action. At any time during review, if deemed necessary, violations can be removed from the scheduled discipline above and transitioned to a formal investigation governed by the discipline matrix.

(6) BUSINESS CARDS:

a. Officers will provide, without being asked, a business card to any person whom the officer has detained in a traffic stop (prior to the completion of the detainment or stop), if that person was not issued a traffic summons, written courtesy traffic warning, or arrested (order-in or custodial).

b. When a reasonable request is made for an officer’s name, badge number, or assignment, the officer will provide a business card or the information in writing to any violator or person, unless such action is likely to jeopardize the successful completion of a police assignment.

c. By statute, the business card must contain the officer’s name, badge number, assignment, and the following information:

   Positive Comments or Complaints – (720) 913-6665

d. The department will provide officers with personalized business cards containing the required information, however, should the officer not have a business card in their possession, he/she is to legibly write the aforementioned information on a piece of paper, which will be given to the individual when required by policy. Business cards printed at the officer’s personal expense must contain the information required by statute.
To establish internal controls and proper oversight for the collection, retention, dissemination, and disposition of criminal intelligence in conformance with the privacy interests and constitutional rights of individuals, groups, associations or other legal entities.

(2) **APPLICABILITY:**

This section applies to all Denver Police Department criminal intelligence systems, whether or not they are funded as part of any multi-jurisdictional systems, programs or grants. The policies and procedures contained in this section are in compliance with all guidelines enumerated in 28 Code of Federal Regulations Part 23, Criminal Intelligence Systems Policies. There are additional provisions, some of which are more restrictive, but none that are in conflict with the federal guidelines. The Denver Police Department will not include, in any criminal intelligence file, information which has been obtained in violation of any applicable Federal, State, local law, or ordinance, the policies of the Denver Police Department, or this section.

Systems that are specifically excluded from the requirements of this section and 28 Code of Federal Regulations Part 23 are:
- Criminal history files
- Street Checks
- Mug shot systems
- Offense and accident report systems
- Criminal investigatory case files

(3) **POLICY:**

The collection, retention, dissemination, and disposition of criminal intelligence are some of the essential functions of law enforcement public service. All department employees will adhere to guidelines established in this section to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence. Criminal intelligence information will not be collected or retained except as specified in this section.

This policy is based on the careful review and consideration of:
- The guidelines identified in Title 28 Code of Federal Regulations Part 23 - Criminal Intelligence Systems Operating Policies, with policy clarifications provided by the Dept. of Justice - Bureau of Justice Assistance, Office of Justice Programs, and Office of General Counsel.
- The Law Enforcement Intelligence Unit’s (LEIU) Criminal Intelligence File Guidelines.

(4) **GOALS:**

a. Provide liaison, coordination, and resource assistance in the collection, storage, exchange or dissemination, and analysis of criminal intelligence information in ongoing investigations or prosecution of serious criminal activity.

b. Provide criminal intelligence information to law enforcement and criminal justice agency personnel on individuals and organizations involved with criminal organizations and enterprises.

c. Provide analysis of organized crime and criminal enterprises in Colorado. This includes identification and/or projection of major changes in crime trends.

(5) **DEFINITIONS:**

**Intelligence Personnel:**
- Intelligence Unit Commanding Officer – lieutenant assigned to the Intelligence Section. The commanding officer is responsible for an annual review of this policy.
- Intelligence Unit Supervisor – Sergeant assigned to the Intelligence Unit within the Intelligence Section.
- Intelligence Unit Detective / Officers – Personnel assigned to the Intelligence Unit either on a permanent or temporary basis
• Intelligence Unit Analyst

**Criminal Intelligence**: Data that has been processed (collected, evaluated, collated and analyzed), and is to be used in connection with and in furtherance of law enforcement investigative purposes. Intelligence involves data collection from both overt (i.e., information available to the general public) and covert sources. It may include general threat information not necessarily directed at a specific arrest or prosecution. Criminal intelligence data also includes information collected through undercover operations and through photographic, electronic, or other media. All criminal intelligence data will be collected and maintained in a manner consistent with this policy.

Criminal intelligence includes information that relates to an individual, organization, business, or group reasonably suspected of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:

- Narcotic trafficking/manufacturing
- Unlawful gambling
- Loan sharking
- Extortion
- Vice and illegal pornography
- Infiltration of legitimate business for illegitimate purposes
- Stolen securities
- Bribery
- Major crimes including homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property, and arson
- Manufacturing, use, or possession of explosive devices for illegal purposes
- Threats of violence, or acts of violence against or in connection with, persons or property
- Rioting/engaging to riot, as those terms are defined in CRS §18-9-101(2), CRS §18-9-102, and CRS §18-9-104
- Computer crimes
- Counterfeiting
- Identity theft
- International and/or domestic terrorism, which, for purposes of this section, will be defined as acts dangerous to human life that are a violation of the criminal law and that are intended to influence the policy of a government by intimidation or coercion.
- Any other criminal offense not listed above which is not directly related to purely expressive behavior and is consistent with the purpose and intent of this policy.

**Criminal Intelligence Files**: Criminal intelligence information that has been collected, processed, retained in a criminal intelligence information file, and that may be shared within the law enforcement community. Criminal intelligence files include information regarding:

**Individuals who**:

- Are reasonably suspected of being involved in the planning, organizing, financing, or commission of criminal activity, as identified above, or
- Are reasonably suspected of being involved in criminal activities with known or suspected criminal organizations

**Organizations, businesses, and groups that**:

- Are reasonably suspected of being involved in planning, organizing, financing, or commission of criminal activity, as identified above;
- Are reasonably suspected of being illegally operated, controlled, financed, or infiltrated by known or suspected criminal organizations, or
- Use illegal activities and/or enterprises as a principal means to obtain resources, support for their
existence, or further their organizational goals

**Criminal Organization:** As used in this section, consists of a group of individuals associated together in fact for a common purpose of engaging in a course of criminal conduct or activity, as identified above.

**Non-Criminal Identifying Information (NCI):** The names of individuals, organizations, groups, or businesses that are not suspected of criminal involvement, but whose identification is relevant to a criminal investigation. Examples of NCI would be:

- A member of a gang (known for narcotics trafficking) is arrested for narcotics violations while driving a car registered to his father (who is not suspected of involvement in the gang or narcotic activity). The name of the gang member and the name of the gang may be entered in the database. The father can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such.

- Surveillance on a criminal suspect shows the individual entering a place of business that is not suspected of criminal activity. The business can only be entered as “non-criminal identifying information” relevant to the criminal suspect and must be clearly labeled as such.

**“Purge:”** As used in this section, means the complete destruction of a physical file and the permanent deletion from any Intelligence Unit computer files, systems, or databases.

**Reasonable Suspicion of Criminal Activity:** Reasonable suspicion is present when sufficient facts are established to give a trained law enforcement officer or criminal investigative agency, officer, investigator, or employee, a particularized and objective basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal enterprise or activity, as identified above. The Intelligence Unit is responsible for establishing the existence of reasonable suspicion of criminal activity through the examination of supporting information submitted, which is subject to routine inspection and audit procedures established by the department. In determining whether “reasonable suspicion” is present, a law enforcement officer or criminal investigator may consider, within the totality of circumstances, the fact that the individual or organization has been involved in serious criminal activity or conduct in the past. Past criminal activity, without more, will not be sufficient to satisfy the reasonable suspicion requirement. If “reasonable suspicion” is based, in whole or in part, on information obtained through electronic, video, or audio means, that fact and the existence of such information will be noted in the criminal intelligence file.

**Need to Know:** The requested information is pertinent and necessary to the requesting agency in initiating, furthering or completing the performance of law enforcement activity.

**Right to know:** The requestor is acting in an official capacity and has statutory authority to obtain the information being sought.

(6) **PROCEDURES FOR MANAGING CRIMINAL INTELLIGENCE FILES:**

a. **Supervision of Data Entry**

All criminal intelligence data will be reviewed by an Intelligence Unit supervisor or commanding officer prior to entry into any criminal intelligence file. The supervisor or commanding officer will determine that the criminal intelligence data conforms to these policies and was not obtained in violation of any applicable Federal, State, local law, or ordinance, department policies, or this section. Criminal intelligence data will not be placed in any criminal intelligence file unless approved by an Intelligence Unit supervisor or commanding officer. The badge number of the approving supervisor or commanding officer will become part of the file.

b. **Information Submission Criteria**

1. The department will only collect or maintain criminal intelligence information concerning an individual or organization if there is reasonable suspicion that the individual or organization is involved in criminal conduct or activity, and the information is relevant to that criminal conduct or activity. The existence of reasonable suspicion will be based on specific, articulable facts that will be documented in the criminal intelligence file.
2. The department will not collect or maintain information about the political, religious, social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization, unless such information directly relates to criminal conduct or activity and there is a reasonable suspicion that the subject of the information is or may be involved in that criminal conduct or activity.

3. Non-Criminal Identifying Information (NCI) - Under the following circumstances, the names of individuals, organizations, groups or businesses that are not suspected of criminal involvement, but that provide relevant descriptive, identifying information regarding the criminal suspect, may be entered as “Non-Criminal Identifying Information.” A non-criminal identifying label should state: “This individual or organization has been entered into the system for identification purposes only -- he, she or it is not suspected of any criminal activity or involvement.” This label will act as a disclaimer of criminal association and will not be used to meet reasonable suspicion requirements to create a file or record for that individual or organization.

c. Excluded Material - Only lawfully collected information based on a reasonable suspicion of criminal activity and that meets the department’s criteria for file input should be stored in the criminal intelligence file. Information specifically excluded from criminal intelligence files includes information on an individual or group merely on the basis:
   1. That such individual or group support unpopular causes
   2. Of race, gender, age, or ethnic background
   3. Of religious or political affiliations, or beliefs
   4. Of personal habits and/or predilections that do not break any criminal laws or threaten the safety of others
   5. Of involvement in expressive activity that takes the form of non violent civil disobedience that amounts to, at most, a misdemeanor offense

d. File Criteria - All information retained in the criminal intelligence file will meet the criteria prescribed by the department. There are two types of intelligence records: Permanent and Temporary files.
   1. Permanent Intelligence Files – Criminal Information may be retained in the permanent intelligence files for up to five (5) years. At that time, criminal information will be automatically purged unless new criminal intelligence has been developed establishing reasonable suspicion that the individual and/or organization continues to be involved in a definable criminal activity or enterprise. When updated criminal intelligence is added into the permanent files on a suspect individual or organization already listed in the database, such entries reset the five year standard for retention of that file. Permanent intelligence files must be periodically reviewed for compliance with this policy consistent with review and purge procedures, identified below.

   2. Temporary Intelligence Files - Criminal Information may also be entered into temporary criminal intelligence files when there is reasonable suspicion of criminal activity, but that finding is based, in part, upon “unreliable” or “unknown” sources, or where the content validity of the information is “dubtful” or “cannot be judged.” All temporary intelligence files will be specifically designated as such and must be reviewed by a supervisor every sixty (60) days for validity. This interim review must be documented in the temporary intelligence file. Temporary intelligence files will be retained no longer than one year. At that time, temporary files must be either purged or converted into permanent intelligence files. All temporary intelligence files will be kept electronically separate from the general database. All temporary hard copy intelligence files will also be physically separated from the permanent files.
3. Working Files – Intelligence Unit detectives may create a working file for information received that has not yet met the reasonable suspicion requirement and/or is either ambiguous or incomplete, or may have been obtained from unknown sources (e.g., anonymous tips), or the content validity of which cannot be judged. A working file will be opened for up to thirty (30) days to either develop reasonable suspicion or unfold the information. One thirty (30) day extension may be granted by the Intelligence Unit supervisor in extenuating circumstances. This information will not be stored in the Intelligence database until it has met the reasonable suspicion requirement. If it does not meet this requirement, it will be purged immediately.

e. Information Classification

Information to be retained in the files of the department must be labeled for source reliability and content validity prior to entry or submission. Circulating information that has not been evaluated, where the source reliability is poor or the content validity is doubtful, is detrimental to the department’s operations and is contrary to the individual’s right to privacy. The classification of criminal intelligence information is subject to continual change, the passage of time, the conclusion of investigations, and other factors that may affect the security classification or dissemination criteria assigned to particular documents.

Documents within the intelligence files should be reviewed on an ongoing basis to ascertain whether a higher degree or lesser degree of document security is required and to ensure that information is released only when and if appropriate.

1. Source Reliability – The reliability of the source is an index of the consistency of the information the source provides and will be evaluated according to the following:
   - RELIABLE – The reliability of the source is unquestioned or has been tested in the past
   - USUALLY RELIABLE – The reliability of the source can usually be relied upon. The majority of the information provided in the past has proved to be reliable
   - UNRELIABLE – The reliability of the sources has been sporadic in the past
   - UNKNOWN – The reliability of the source cannot be judged; either experience or investigation has not yet determined authenticity or trustworthiness

2. Content Validity – The validity of information is an index of the accuracy or truthfulness of the information and will be assessed as follows:
   - CONFIRMED – The information has been corroborated by an investigating officer or another reliable independent source
   - PROBABLE – The information is consistent with past accounts
   - DOUBTFUL – The information is inconsistent with past accounts
   - CANNOT BE JUDGED – The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation

3. Sensitivity – The sensitivity of the information will be classified according to the following standards:
   - COMMAND – Information that requires the strictest of dissemination and release criteria, such as corruption.
   - SENSITIVE – Information, including, but not limited to; active police investigations, informant identification information, corruption, and those reports which require strict dissemination and release criteria
   - LAW ENFORCEMENT SENSITIVE – Information obtained through intelligence channels, is not classified as sensitive and is for law enforcement use only.
Restricted information may include previously classified sensitive information for which the need for a high level of security no longer exists

- PUBLIC – Information that is approved for public dissemination. This includes arrest/criminal record information and other information contained in records of official actions

(7) **INFORMATION DISSEMINATION:**

a. Intelligence Unit officers will disseminate criminal intelligence information only where there is a need to know and a right to know the information in the performance of a law enforcement activity.
   1. Except as noted in paragraph (2) of this section, officers will disseminate criminal intelligence information only to law enforcement authorities who agree to follow procedures regarding information receipt, maintenance, security, and dissemination that are consistent with these principles.
   2. Paragraph (1) of this section will not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger to life or property.

b. Criminal intelligence information may only be shared with other law enforcement agencies with the express written approval of the Intelligence Unit commanding officer. The release of this information will be based on a need to know and/or right to know basis, and only to agencies whose Intelligence Systems are 28CFR Part 23 Compliant. The facts establishing the requestor's need to know and right to know will be documented in the criminal intelligence file. The agency and/or officer requesting the information, the supervisor or command officer approving the sharing, the law enforcement purpose for the request, the date of the request, and the date of the provision of the information will all be noted in the file.
   1. In maintaining criminal intelligence information, the department will ensure that administrative, technical, and physical safeguards (including audit trails) are adopted to ensure against unauthorized access and against intentional or unintentional damage. A record indicating who has been given information, the reason for release of the information and the date of each dissemination outside the section will be kept. Information will be labeled to indicate levels of sensitivity, levels of confidence, and the identity of requesting agencies and control officials. The officer releasing information will document in the criminal intelligence file the existence of an inquirer's need to know and right to know the information being requested, either through inquiry or by delegation of this responsibility to a properly trained participating agency, which information release is subject to routine inspection and audit procedures established by the Intelligence Section.
   2. Criminal intelligence information will only be shared with other members of the department on a need to know basis. The officer requesting the information and the justification for the request will be noted in the file.

c. Intelligence Unit personnel will not release any original intelligence documents. Whenever information from a criminal intelligence file is disclosed, in any form, either orally, in writing, or through inspection of files, the Intelligence Unit must comply with the requirements set forth in section 7(b).

d. Intelligence Unit information will be released according to the following classification and release authority levels:
   1. COMMAND – This information may only be released with the permission of the Chief of Police or his/her designee to law enforcement agencies that have a demonstrated need to know and right to know.
2. SENSITIVE - Information in this class may only be released with permission of the Intelligence Unit commanding officer to law enforcement agencies that have a demonstrated right to know and need to know.

3. LAW ENFORCEMENT SENSITIVE – Law Enforcement Sensitive information may be released by Intelligence Unit personnel to law enforcement agencies that have a demonstrated right to know and need to know.

4. PUBLIC - Any Intelligence Unit personnel may release this information to a Denver Police Department officer or other law enforcement agency. The Executive Director of Safety is the official records custodian and he/she must approve the release of information to the public or media.

(8) SECURITY OF FILES:
   a. Criminal intelligence files will be physically secured in locked cabinets or in electronic files that are equipped with security protection measures. These files and databases will be secured during off-hours and when the office is vacant.
   b. Key access to the Intelligence Unit will only be granted to assigned unit personnel.
   c. Locks, combinations, and system passwords will be changed upon the transfer of any unit personnel.
   d. Intelligence Unit personnel will adopt a “clean desk” policy to include the removal of sensitive documents from view when not in use. The orientation of computer monitors will be such as to preclude casual observation by visitors and officers assigned to the unit will exercise control when engaging in sensitive conversations.

(9) REVIEW AND PURGE PROCEDURES:
   a. Reviewing and purging of all information that is contained in the department criminal intelligence files and kept under paragraph 6 above will be done on an ongoing basis, but, at a minimum, will be accomplished annually. The dates when reviews occurred will be noted in the criminal intelligence file. The maximum retention period is five years, and a criminal intelligence file must be purged after five (5) years unless the information in that criminal intelligence file has been updated consistent with this section. The department may update the criminal intelligence file and extend the retention period at any time, based on reasonable suspicion of new or continuing criminal activity documented in the criminal intelligence file.
   b. The decision to purge information should be guided by the following considerations:
      1. Whether or not the information in the criminal intelligence file continues to comply with the reasonable suspicion of criminal activity definition
      2. Defined retention periods for permanent and temporary files
      3. Specific credible threats to government officials and/or law enforcement officers
   c. Any information that is found to be collected or retained in violation of this section or found to be inaccurate, misleading, or obsolete, will be purged. Any recipient agencies or department members will be advised of such changes and that the subject information has been purged.

(10) TRAINING:
   a. The Intelligence Unit commanding officer and any bureau, division, district, section, or unit with responsibility to gather criminal intelligence information will ensure that all officers assigned to the bureau, division, district, section or unit have received training regarding this section. Training will be documented in the officer’s training records. In addition, these officers will receive annual training regarding this section, to include any recent court decisions and best practices regarding criminal intelligence information.
   b. An outline of the training will be kept on file in the Intelligence Unit and the Training Section.

(12) INDEPENDENT OVERSIGHT:
a. Implementation of this policy will be subject to an audit by an independent agency. This audit will review data collection, categorization, maintenance, dissemination, and Intelligence Unit practices, as well as training procedures, to verify compliance with established rules and policies.

b. The individual who conducts the audit for the independent agency will be familiar with these policies and procedures, and the policies and procedures set forth in paragraph (3) above. The individual who conducts the audit for the independent agency will have access to all Intelligence Unit files and data necessary to perform the audit function, and will be provided with the financial resources necessary to complete the audit and report. The audit will be conducted on a quarterly basis for the first year, on a semi-annual basis for the second and third years, and annually thereafter.

c. The individual who conducts the audit will prepare a written report, which will be provided to the Intelligence Unit commanding officer, the Chief of Police, the Denver City Attorney, and the Office of the Independent Monitor.

d. The Intelligence Unit commanding officer will prepare a written response to the audit report within ten (10) days of receipt and copies of that response will be provided to the Chief of Police, the Denver City Attorney, and the Office of the Independent Monitor. The Office of the Independent Monitor will have the right to submit to the Mayor its comments regarding the audit report and the Intelligence Unit’s response within ten (10) days after receipt of the Intelligence Unit’s response.

e. Any conflict between the findings in the audit report and the response prepared by the Intelligence Unit commanding officer will be resolved by the Mayor.

f. In the event the audit report determines that a criminal intelligence file was improperly opened in violation of section (6), and that finding is sustained by the Mayor, the Intelligence Unit will notify in writing the subject of that criminal intelligence file that a file was improperly opened and will be purged. Upon request, the subject will be provided with a copy of his/her criminal intelligence file, with necessary redactions to protect the privacy of third-parties and the safety of law enforcement officers.
119.01 HIGH ACTIVITY LOCATION OBSERVATION (HALO)

(1) PURPOSE:
The purpose of this policy is to provide guidance for the Denver Police Department in the responsible and effective use of overt cameras in public areas for safety and security, and the use of rapidly deployable cameras (RDCs) for the surveillance related to investigations.

The HALO crime prevention and detection strategy includes the use of video surveillance to target public areas of high crime and disorder and those areas where the safety and security of our community is at risk. Justification for camera deployment will be accomplished through a comprehensive assessment of the totality of circumstances that support the use of this limited resource. The needs assessment should include the evaluation of criminal justice records, public information, crime data, officer observations, community input and concerns, and risk assessments.

(2) GENERAL PRINCIPLES:

a. The Denver Police Department restricts the use of HALO cameras to public places in a manner consistent with privacy rights.

b. Except in situations of the investigation of a crime committed by a person(s) whose description is known, HALO camera use must not be based on individual characteristics, or classifications, including race, gender, sexual orientation, national origin, or disability.

c. The principle objectives of the HALO project include:
   - Enhancing public safety in areas where the safety and security of our community is at risk;
   - Preventing and deterring crime;
   - Reducing the fear of crime;
   - Identifying criminal activity;
   - Identifying suspects;
   - Gathering evidence;
   - Documenting police actions to safeguard both the community and police officer rights;
   - Reducing the cost and impact of crime to the community; and
   - Improving the allocation and deployment of law enforcement resources.

d. HALO and RDC camera use will be conducted with accepted legal concepts regarding privacy, and in a professional and ethical manner. Personnel involved in HALO Program use will be appropriately trained and supervised in the use of this technology. Violation of department policy and procedures will result in appropriate corrective action or discipline and may subject those involved to civil or criminal liability under applicable state and federal laws.

e. Initial and ongoing needs assessments will be conducted as a part of this HALO Program. Needs assessments will consider that HALO and RDCs are only one of many tools and methods available to enhance public safety and that other alternatives may be more appropriate or cost effective.

f. Information obtained from HALO and RDC use will be used exclusively for public safety and law enforcement purposes. Information in any form obtained through the use of such technology will be handled according to accepted departmental procedures and legal rules governing the handling of evidence and criminal justice records. Dissemination of such information should be conducted in accordance with applicable departmental procedures, state, and federal laws.
Unusable or non-case specific video or digital image data will not be retained, and will be purged from data storage within established time periods, and in conformance with city, state, federal and department legal and policy requirements.

g. The design and implementation of the HALO Program and its periodic enhancement must recognize legal parameters that both limit and expand use of cameras in the public space.

(3) DEFINITIONS:

HALO: Acronym for the overt public area camera program, defined further as High Activity Location Observation, and HALO-Safe City (the Denver Public Schools/DPD partnership).

HALO Camera: A self-contained video camera (commonly known as Closed Circuit Television), within a protective case that:

- Can monitor and record from a distance, activity on the public way;
- Is remotely controlled and capable of sending real-time images to the HALO Command Center, the Office of Emergency Management, Denver 911, or a patrol district station office or other designated monitoring center or location authorized by the department;
- May have functionality that includes the pan of 360 degrees, tilt, and zoom (PTZ);
- May have night-vision capability;
- May be affixed to a street pole or other object in designated areas consistent with this procedure and is intended to be a long-term or permanent fixture (i.e., “fixed HALO”); and
- May display the department's logo and may be equipped with a highly visible flashing light; and
- May have signage that denotes the area is subject to being video-recorded and monitored.

HALO Command Center: A centralized, robust video operations center located at the Police Administration Building.

Civilian HALO Monitor: The crime detection specialist assigned to the HALO Command Center or other facility to monitor multiple HALO images.

Rapidly Deployable Camera (RDC): A camera affixed to an existing or mobile structure, (i.e. utility pole, building, trailer, etc.), that is temporary, of which the video signal can be monitored through a remote-mobile laptop, desktop computer, or command center. An RDC may be used as for the same purpose as a fixed HALO Camera (“Mobile HALO”) or for targeted surveillance related to a law enforcement investigation (“Surveillance RDC”). For the purposes of this policy, Mobile HALO and Surveillance RDCs will collectively be referred to herein as an “RDC” unless otherwise stated. See section (13) below for policies specific to the use of RDCs.

Public Place/Space: Physical locations that have been identified by the courts where the warrantless use of video surveillance by law enforcement is allowed, (i.e., no expectation of privacy). Examples are parking lots, parks, streets, roads, alleyways, public walkways, etc.

Urgent Significant Event: Situations that include barricade or hostage situations, patterns of criminal activity, large public gatherings that may lead to law violations, impact to public safety response or where public safety and security may be at risk.

(4) PROGRAM MANAGEMENT:

a. The Division Chief of Investigations will ensure the placement/relocation of HALO and RDC cameras is monitored to maximize utilization of the system.

b. The HALO Program supervisor will:
   1. Conduct periodic reviews to evaluate the effectiveness and continued need of HALO and RDC camera placement in the deployed locations.
   2. Review strategic plans and exit strategies for HALO and RDC camera placement/relocation and removal.
3. Coordinate requests or inquiries made by outside agencies involving HALO and RDC cameras.
4. Ensure that HALO and RDC cameras are used for law enforcement or public safety purposes consistent with this policy.
5. Direct technical support activities for fixed and mobile HALO and RDC cameras including installation, removal, relocation, and maintenance.
6. Ensure all fixed HALO camera locations are updated on the department website and the locations of RDCs are documented in a log maintained by the Investigative Support Bureau.
7. Receive and review all requests for use or placement/relocation of HALO and RDC cameras from all divisions/bureaus/districts. Any request to the program supervisor must come from a bureau or district commander and contain the appropriate form and documentation. The request will then be forwarded to the Investigative Support Bureau Commander (or designee) for final review and approval.
8. Coordinate with the affected commanders and the Office of the Chief of Police, prior to any removal of a HALO and RDC camera due to maintenance, repair, or relocation.
9. Be responsible for the appropriate training and documentation of all employees who have command and control access to the HALO system or RDCs.
10. Be responsible for developing detailed policy, procedures, directives and job specific operations and technical manuals needed for the program.
11. Continuously conduct research of legal opinions and rulings, best practices in policies, procedures, technology and training to ensure that the rights of individuals, DPD employees and the city are protected.
12. Maintain a log of all RDC units to track each unit’s placement, activation, and deactivation. A log entry will be retained for three years following deactivation/removal of the RDC related to that log entry.

c. In consultation with the Division Chief of Investigations (or designee), district commanders will:
   1. Conduct an analysis of HALO camera placement/relocation pursuant to section (2), including those RDCs used as a Mobile HALO.
   2. Post analysis, identify and recommend public places within their districts for HALO camera placement/relocation:
      a. This information (including all supporting documentation), will be documented on (or attached to) the HALO Camera Placement/Re-Location Request Form (DPD 711). Once complete, the form will be forwarded to the HALO Program supervisor.
      b. District commanders will be responsible for approving and implementing the exit strategy for the removal of HALO cameras.

d. Police officers and supervisors will:
   1. Continually monitor the condition of the HALO cameras and immediately report any visible damage to the HALO Command Center.
   2. Immediately report any equipment malfunctions to the HALO Command Center.
   3. Complete the HALO Video Retrieval Request Form (DPD 709) and submit it to the district commander when the supervisor deems that the retrieval of captured video images is needed for an investigation or other appropriate police purposes.
   4. Report any equipment problems or failures to the HALO Program supervisor.
e. The HALO Program supervisor (or designee) from the Denver Police Department and the selected vendor will:
   1. Supervise the installation and removal of the HALO and RDC cameras from approved locations.
   2. Coordinate integration of new equipment and testing.
   3. Conduct site surveys to establish logistical needs, such as connectivity, installation, security, and any other relevant issues.
   4. Provide technical assistance when required.

f. HALO Command Center personnel will:
   1. Conduct fixed HALO camera monitoring from the HALO Command Center, or other designated areas.
   2. Report observations on the appropriate communications channel.
   3. Perform priority in-camera monitoring in cases involving officer safety, in-progress crimes, calls for service, events, or public emergencies.
   4. Set priorities by reviewing daily crime reports, officer information and specific requests for coverage as well as other sources.
   5. Maintain activity log relative to HALO assistance provided to all department divisions, bureaus, and other agencies.

   (6) HALO Training:
   a. Designated civilian HALO monitors (non-sworn), police officers, detectives, and supervisors will receive training concerning the First Amendment, the Fourth Amendment, department policies and procedures, and the proper operation of the surveillance equipment through the HALO Video Training Program prior to being authorized to operate HALO or RDC cameras, access video archives, or create custom view groups.
   b. This training will be documented in the respective employee's (sworn/non-sworn) training record (forwarded to the Training Section), and noted as a journal entry by the officer's supervisor. The HALO Program commanding officer will ensure that the training is complete and documented prior to allowing access to the system.

   (7) HALO and RDC Placement:
   HALO and RDC cameras will be placed in locations pursuant to approval by the Investigative Support Bureau Commander (or designee). Approved signage may be posted upon installation of a fixed HALO camera in a prominent manner.

   (8) HALO and RDC Video Retrieval Request Process:
   a. Retrieval of the recorded video images from HALO and RDC camera(s) for investigative or prosecution purposes will occur as delineated in this procedure.
   b. Unless retrieved consistent with this procedure, video images captured by the HALO or RDC camera will be purged after a 30-day period.
   c. Requests for retrieval of video images recorded by HALO or RDC cameras will be initiated by law enforcement personnel who will:
      1. Complete and submit a HALO Video Retrieval Request Form (DPD 709) to their bureau/district commander (or designee) for approval;
      2. Forward the approved form and any related reports to the HALO Command Center supervisor (or designee) for final review.
   d. In situations in which the urgent retrieval of video images is necessary, the detail commanding officer in the district of occurrence or a member of the affected investigation section or unit will:
1. Notify the HALO Unit commanding officer (or designee) on weekdays between 0700-0300 hours, excluding holidays at 720-913-7822;
2. At all other times, notify a Denver 911 supervisor; or
3. The Denver 911 supervisor will notify the on call HALO Unit detective. The HALO Unit will provide the HALO Command Center and Denver 911 with the names of department members who are trained to retrieve video images and are available for call back. These members will electronically capture relevant information for each HALO Video Retrieval Request Form (DPD 709) received.

e. Requests for the retrieval of video images should be made within 21 days of the incident's recording.

(9) VIDEO STORAGE OF RETRIEVED IMAGES:

a. Digital Video Discs (DVD), containing images recorded by HALO, RDC, and City of Denver cameras with an attached HALO Video Retrieval Request Form (DPD 709) will be stored in strict accordance with existing department evidentiary procedures. The originally recorded images will be electronically transferred to this medium under secure procedures from the Denver Police Department/Department of Safety Storage Area Network (SAN). The HALO Video Retrieval Request Form (DPD 709) is a report used by the police department, Denver Fire Department, Denver City and District Attorney's Offices, and various other city entities. Any request to archive original footage needs to be completed on the appropriate form and notification of this request will be made within 21 days of the event.

b. Officers receiving retrieved images recorded by the HALO or RDC cameras will, within seven (7) days of receipt of the recorded images on DVD (or other media), enter such receipt into the investigative file, utilizing the inventory number given to them by the Denver Police Evidence and Property Section or HALO Unit, and denote the disposition of the recorded image.

c. Once the request for video image retrieval is approved, the HALO Unit supervisor (or designee) will make three (3) original copies on DVD (or other media). These three original copies are made in concurrence with local federal title-III audio recording standards as follows:

1. One original copy (copy #1), will be sealed and initialed as evidence for court, utilizing the case number provided on the HALO Video Retrieval Request Form (DPD 709). The electronic reference tag/log number will also be noted onto the DVD (or other media). This is to be completed by the person designated to produce the discs for HALO, maintaining the chain of evidence. The HALO Unit will place the original copy in the Evidence and Property Section.

2. After signing the HALO receipt for all three copies, the second original (copy #2) and third original (copy #3), will be marked as delineated above and provided to the requestor as a working case copy and a discovery copy. The second original (copy #2) and third original (copy #3) will be destroyed sixty (60) days after the request date if they have not been signed for in the HALO office.

(11) URGENT SIGNIFICANT EVENTS:

a. In the event where the immediate use of a HALO camera is warranted, a mobile HALO platform may be utilized.

b. The requesting command officer will contact the HALO Unit commanding officer, who will initiate emergency deployment of the rapidly deployable HALO camera.

(12) PARTNERING WITH OTHER AGENCIES:

The HALO Program, with the approval of the Chief of Police, may partner with other public and private institutions and entities in the sharing of camera images with the Denver Police Department. For example, the program currently is allowed access to cameras owned and operated by the Regional Transportation District, Denver Public Schools, Colorado Department of Transportation and Denver
Department of Public Works Traffic Operations. The monitoring of privately owned cameras on the HALO network will only occur under a written agreement between the city and the private owner. The Denver Police Department will not allow access to the HALO network or and RDC to any non-governmental agency nor to any governmental agency that is not directly involved in providing public safety services in the City and County of Denver. Access to the HALO network or an RDC must be requested in writing and approved by the Chief of Police.

(13) **RAPIDLY DEPLOYABLE CAMERAS (RDCs):**

a. An RDC may be used for the same purpose as a fixed HALO camera; i.e., to monitor public areas of high crime and disorder and those areas where the safety and security of our community is at risk. Placement of such Mobile HALO cameras is subject to approval by the Investigative Support Bureau Commander (or designee) in the same manner as fixed HALO cameras pursuant to section (7) above.

b. An RDC may also be used for targeted surveillance related to a law enforcement investigation.
   1. Surveillance RDCs must be actively monitored by the requesting officer (or designee) on a regular basis to assess the necessity of ongoing surveillance related to the investigation.
   2. If the purpose of the surveillance is to monitor and/or record a residence or the curtilage thereto, a warrant may be required for extended surveillance under certain circumstances. This requirement applies even if the location observed includes public space or residential curtilage visible from a public space. For the purposes of this policy, a “residence” includes multi-unit and mixed-use residential buildings, such as apartments and condominiums, if the purpose of the surveillance is to monitor a residential unit therein or a resident of the building. Officers should contact the District Attorney’s Office to discuss the necessity of a warrant.

   • If a residence will be monitored by a RDC by consent of the resident, a warrant is not required; however, a Consent to Search (DPD 372) must be completed by the resident and submitted to the Investigative Support Bureau by the requesting officer.

**119.02 ELECTRONIC TRACKING PROGRAM**

(1) **PURPOSE:**

The Denver Police Department will lawfully deploy Global Positioning System (GPS) tracking devices in an attempt to locate, identify and apprehend those that commit various types of property crimes in the community. The Electronic Tracking Program is an innovative method of crime fighting that combines technology with community participation and partnership. The program places and monitors tracking devices on “bait property”. Bait property includes bicycles, items placed inside motor vehicles, and other articles, with the expectation that the property may be stolen. In accordance with all requirements of this policy, the Electronic Tracking Program is intended for use in businesses, residences or any other venue where GPS tracking would prove valuable.

(2) **DEFINITIONS:**

   **Handheld Beacon:** A handheld device that uses antennas to track and ascertain the precise location of the tracking device’s radio frequency transponder. Typically, and only when necessary, the handheld beacon is used in the final phases of tracking.

   **Tracking Device:** A GPS enabled tracking system that aids in the recovery of stolen property and apprehension of the involved suspects.

(3) **GENERAL PROCEDURES:**

   a. Officers will not use the tracking device, handheld beacon or any other part of the program until they have successfully completed the required training.
b. The tracking device will be installed or used only with property or equipment that is owned by the City and County of Denver, except as set forth in section 4(e).

c. The tracking device and all auxiliary equipment will be maintained, and periodically inspected, in order to ensure all devices are functioning at optimal levels.

d. When not deployed, all components of the Electronic Tracking Program will be stored in a secure area where they are not subject to frequent temperature or environmental changes.

(4) DEPLOYMENT:

a. The use of a tracking device must be authorized by a supervisor and a Denver Police Department Operations Plan (DPD 567) must be completed and authorized by the respective commander (or designee) prior to deployment.

b. The tracking device will be inspected by the user for obvious damage and network connectivity prior to deployment.

c. The assigned officer will ensure that each tracking device is accurately listed and the location logged on the tracker vendor website to provide for location accountability during deployment. If the device is moved to a different location, the new location must be updated through the tracker vendor website database.

d. Officers should attempt to place the tracking device in an area that has video surveillance.

e. If the electronic tracking device is to be deployed on private property (i.e., areas not accessible to the general public), the following must be completed:
   - The owner of the property must complete the Hold Harmless Consent Agreement (DPD 811).
   - The original Hold Harmless Consent Agreement will be submitted with the operations plan and a copy will be placed in the investigative report.
   - Every effort will be made to strategically deploy the tracking device(s) in a location where it does not require active participation of the community partner.

f. Tracking devices will not be placed directly on motor vehicles.

(5) GPS ACTIVATION:

The assigned officer (or designee) will receive the activation alert via the tracker vendor website. The assigned officer (or designee) is responsible for the following:

a. Notifying on duty resources of the activation (using the code word “Delta Escort”).

b. Ensuring he/she is logged into the tracker vendor tracking system so that they can provide real time direction of travel, speed and signal strength of the tracking device.

c. Deploying the handheld beacon in the event a more specific location of the device needs to be determined.

d. An on-duty district supervisor will continuously evaluate the incident, taking into consideration the safety of all involved parties, and will request additional resources as needed.

(6) AUTHORIZED DEPLOYMENT METHODS:

The following is a list of guidelines to be utilized when deploying the tracking devices to address different crime trends (Note - all requirements of section (4) still apply):

a. Bicycle theft:
   - Bicycles will be locked using the appropriate Denver Police Department provided locking system.
   - Notify Denver 911 and the HALO Command Center of the operation; including a location and description of the bicycle.
   - In the description of the device on the tracker website, add the information: “(bicycle description) – (location of the deployment)”.
- The alert message must contain a detailed description of the bicycle.

b. Theft of property located inside a motor vehicle:
- In the description of the device on the tracker website, add the information: "(vehicle description) – (location of the deployment)."
- Notify Denver 911 and the HALO Command Center of the operation; including the name, model and location of the vehicle to be used as a bait vehicle.
- The alert message must contain a detailed description of the bait property.

c. Other deployments:
- In the description of the device on the tracker website, add the information: "(short description of item) – (location of the deployment)."
- Notify Denver 911 and the HALO Command Center of the operation; including description of the item and location of the operation.
- The alert message must contain a detailed description of the item.

(7) **PROGRAM ADMINISTRATOR:**

a. The Investigative Technology Section is the program administrator for the Electronic Tracking Program and will provide tracking devices based upon operational need.

b. The program administrator will manage, assign and inspect (at a minimum of two times per calendar year) all equipment directly related to the Electronic Tracking Program. An inventory log, including the inspection report and its results, will be kept on file in the Investigative Technology Section.

c. The program administrator will track the assignment of equipment and all statistical data related to the deployment of the Electronic Tracking Program.

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### 119.03 AUTOMATED LICENSE PLATE READER SYSTEM

**GENERAL INFORMATION:**

The Denver Police Department authorizes the use of Automated License Plate Reader (ALPR) technology to automatically detect vehicle license plates and to gather data associated with those plates. ALPR systems and all associated databases are the property of the Denver Police Department and all access to, or utilization of ALPR data and/or equipment is restricted to official law enforcement purposes.

a. The ALPR system is administered by the Investigative Technology Section.

b. The ALPR system utilizes a NCIC/CCIC hotlist obtained from the Colorado Bureau of Investigation. The Investigative Technology Section, in conjunction with Technology Services, will ensure the database is updated a minimum of 5 times in a 24-hour period.

c. All authorized users must successfully complete all approved ALPR training prior to operating the ALPR system and/or accessing any database information.

**SYSTEM OPERATION:**

a. Officers operating a vehicle equipped with ALPR technology must log into the system. The ALPR system is updated with the most current hotlist available from the Back Office System Server (BOSS) upon the initial login and the software will subsequently and automatically update throughout the shift so long as the officer remains logged into the system.

b. When notified of an ALPR alert, officers must visually confirm the plate against the captured image and verify the validity of the alert through Denver 911 or the MDT. This confirmation must be completed prior to any law enforcement action.

c. When a vehicle stop is made as a result of an ALPR alert notification, officers are required to enter a disposition relating to the vehicle stop in the ALPR software.
d. The ALPR cameras mounted to a vehicle are not adjustable. Officers will not try to move or reposition the cameras. If there is reason to believe the camera is out of alignment, the vehicle will be taken to the Electronic Engineering Bureau, the Fleet Management Section or the Investigative Technology Section. The three aforementioned are the only areas authorized to make adjustments to the equipment that supports the ALPR.

e. Problems with the ALPR software must be addressed by the Electronic Engineering Bureau.

(3) DATA RETENTION AND INFORMATION SHARING:

a. ALPR data will be retained for a period of 730 days, except for any data deemed as evidence in a criminal investigation or if the department has been given official notice of a claim filed. Investigating officers are responsible for collecting and securing any data as part of a criminal investigation and ensuring the information is retained as part of the investigation.

b. The ALPR database is protected under the Federal Privacy Act of 1974 and officers will only access and search retained ALPR data in conjunction with a criminal investigation or criminal nexus – See OMS 102.05(3).

- Officers must enter an investigative reason prior to initiating any search within the database.
- Officers may only access records retained one year after the date of creation if there has been a notice of claim filed or other specific incident that may cause the record to become evidence in a felony criminal proceeding.

c. The release of ALPR database information to anyone other than a law enforcement agency is strictly prohibited and the initiation of such must come in the form of an official request to the department.

d. Officers sharing ALPR database information with another law enforcement agency may do so only for the purpose of an official investigation. However, if the requesting agency requires an official record of any information contained within the database, they will be directed to the Investigative Technology Section so that the request is documented and the information is properly released.

e. Any direct ALPR database connection, for the purposes of sharing ALPR database information with another law enforcement agency, will be administered by the Investigative Technology Section and must be approved by the Chief of Police (or designee).

119.04 BODY WORN CAMERA TECHNOLOGY

(1) PURPOSE:

The body-worn camera (BWC) is an “on-the-body” audio and video recording system assigned to an officer as an additional means of documenting specific incidents in the field. The purpose of this policy is to establish procedures related to the use, management, storage, and retrieval of the data stored on the department-issued BWC. Specific uses of the BWC are:

a. To capture crimes in-progress, whether perpetrated against the officer or the community and to maintain this evidence for presentation in court.

b. To document initial police response, the discovery of evidentiary items and the actions of the police pursuant to an investigation, including calls for service or self-initiated police contacts that could result in an enforcement action.

c. To mitigate potentially confrontational interactions with members of the public through the presence of the BWC.

d. To prevent and resolve complaints made against officers during the course of their police duties.
To serve in training and performance feedback, ensuring the professionalism of all Denver Police officers.

(2) **DEFINITIONS:**

**BUFFERING Mode:** The BWC continuously loops a video recording for up to 30 seconds before the recording is started by the officer. While buffering, video only (no audio) is being recorded.

**EVENT Mode:** Once activated by pressing the EVENT button, the BWC saves the recorded buffered video and continues to record both audio and video.

**Evidence Transfer Manager (ETM):** Docking unit used to recharge and upload previously recorded audio and video (stored media) from the BWC. The ETM automatically transfers all stored media to evidence.com.

**Evidence.com:** An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only by authorized personnel.

**BWC System Administrator:** The Investigative Technology Section is the BWC system administrator and they will maintain the integrity and efficiency of the data management and file retention systems.

(3) **POLICY:**

There are many situations where the activation of the BWC is appropriate and/or required and this policy is not intended to describe every possible circumstance. It is understood that not all situations will clearly start out as necessitating documentation by the BWC nor will all recorded events have a clear ending for when the BWC is no longer required. Officers are expected to follow departmental policy and procedure, utilizing ethical and legal discretion as well as good judgment when activating and deactivating the BWC.

All officers (sergeants and below in uniformed on-duty line assignments) are required to use the BWC system in accordance with the policies of the Denver Police Department. The assignments include sergeants, corporals, technicians, and patrol officers assigned to all six (6) police districts, Metro/SWAT, the Gang Unit, the Traffic Operations Section, and the Airport Police Bureau. Additionally, to effectively and accurately document the police response, all officers, regardless of rank, will wear a body-worn camera (BWC) when assigned to any type of crowd control management.

Effective July 1, 2017, all officers below the appointed rank of commander will utilize the BWC system while working uniformed off-duty assignments, except for captains and lieutenants assigned an off-duty command position (not performing the duties of a patrol officer or first line supervisor). This requirement also applies to all uniformed officers working in a volunteer (off-duty) capacity.

The Denver Police Department recognizes there are certain circumstances where officers in a proactive (non-dispatched) capacity may become involved in a situation requiring immediate action to prevent injury, make an arrest and/or prevent the destruction of evidence or escape. When these situations occur, officers must activate the BWC, unless doing so places them or others in jeopardy. If the immediate activation of the BWC is not feasible due to an immediate risk to the safety of the officer or others, the officer will activate the BWC at the first available opportunity after the immediate threat has been addressed.

a. **Required Activation**

1. All officers will place the BWC into EVENT mode after being dispatched and prior to arriving to the following calls for service and prior to any officer initiated contacts involving actual or potential violations of the law including:
   
a. Traffic stops
   
b. Pedestrian and/or vehicle contacts
   
c. All calls requiring the presence of a Crisis Intervention Team (CIT) officer
   
d. Reported weapons calls
   
e. All calls involving suicidal individuals
f. When engaging in a foot chase (if the BWC was not placed in EVENT mode prior to the foot chase, officers are required to place the BWC into EVENT mode as soon as the situation has stabilized and it is safe to do so)

g. Any encounter that becomes adversarial

h. When engaging in a forced entry

i. To assist in documenting warrantless or consensual searches of individuals, vehicles, buildings, and other places
   - The BWC will be utilized to record the request and consent. This recording is intended to enhance a documented consent; it is not intended to replace the use of the Consent to Search form (DPD 272).
   - The existence of the recorded request will be documented in the officer’s statement.
   - The BWC can be used to record the search itself.

j. To assist in documenting an individual’s Miranda Advisement
   - The BWC will be utilized to record the advisement and the subject’s responses when practical. This recording is intended to enhance a documented consent. It is not intended to replace the use of Juvenile Advisement/Waiver Form (DPD 102) or the Advisement form (DPD 369).
   - The existence of a recorded advisement will be documented in the officer’s statement.

k. All arrests and/or citations

l. To assist in documenting the handling and inventory of currency, whether being submitted to the Evidence and Property Section or returned to the rightful owner

m. Any situation that the officer believes the use of the BWC would be appropriate or would provide valuable documentation if not already activated per policy

n. Upon active involvement in a vehicle pursuit, or if not actively involved, when assisting at its point of termination, including any perimeters, foot searches, and/or physical apprehensions – See OMS 204.01

o. Metro/SWAT executing planned tactical operations

p. When involved in any type of planned or spontaneous crowd control situation, officers (regardless of rank) will activate the BWC while actively engaging an individual or group.

2. Once placed in EVENT mode, the BWC will remain on and not be turned off unless the initial incident that caused the activation has stabilized; upon request of the victim; or as ordered by a supervisor. For the purposes of this section, an incident is considered stabilized when the initial police response or exchange of communication related to police enforcement activities has transitioned to a controlled and orderly investigation.

   a. Officers will document the reason that the BWC has been deactivated in the form of a recorded announcement on the BWC prior to deactivation.

   b. If an officer is on a perimeter post or assigned to a static post where he/she is not in direct contact with members of the community, involved in an enforcement action, or actively part of the investigation, then he/she may deactivate the BWC to conserve battery life. The BWC will be reactivated if any of these fail to apply.
c. Once the situation has stabilized, if it is necessary to discuss issues or concerns with an officer, supervisor, doctor, nurse, or paramedic in private, or if the information to be conveyed is not part of an investigative case, the BWC may be switched to BUFFERING mode. As soon as the private conversation is completed, the BWC will be returned to EVENT mode so long as the situation still falls under the definition of required use. Officers are reminded that when the BWC is placed back to EVENT mode, the prior 30 seconds of video (no audio) will be saved.

b. Restricted use of the BWC system and/or stored media

1. Officers will only use a BWC that has been approved and issued by the Denver Police Department. The use of personal video and/or audio recorders is prohibited.

2. All audio, images and media associated with the BWC are the property of the Denver Police Department and these items are not to be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police. Under no circumstances will any employee of the Denver Police Department make a personal copy of any recorded event without the written consent of the Chief of Police (e.g. using a cellular telephone or other recording device to record BWC media). Lead investigators may create a secondary copy of a BWC recording subsequent to an official investigation and will ensure that the copy remains attached to the case file.

3. Under no circumstance, except those instances involving an investigation of department personnel, will a conversation between department employees be recorded without all parties to the conversation knowing it is being recorded. Conversations that are not required to be captured as evidence in the furtherance of completing a police report and/or subsequent police investigation will not be recorded.

4. The BWC will not be activated in places where a reasonable expectation of privacy exists (such as detox, medical, and/or healthcare facilities, locker rooms or restrooms, etc.) unless the activation is for official law enforcement activity such as a call for service or if policy requires the activation.

5. Officers will only use the BWC in patient care areas of a healthcare facility and/or ambulances when the recording is for official purposes and caution should be used to record only the parties involved in the event being investigated.

6. Officers will generally not activate a BWC while on the grounds of any public, private, or parochial elementary, middle, or high school, unless required by policy (e.g. call for service, class 2 action, etc.).

7. Prior to conducting a strip search, the officer will record a 360-degree video of the location where the strip search will be conducted. During the actual strip search, the BWC will be utilized to only capture audio of the event by positioning the camera away from the individual to be searched (see OMS 104.01(8) for authorization).

8. Officers are not authorized to playback BWC recorded media for members of the community to view.

9. No personal use is allowed.

10. Fixed Position Checkpoints:

   Officers assigned to a fixed position checkpoint will not be required to place the BWC into EVENT mode during the initial contact of drivers. Rather, officers will maintain their BWC
in BUFFERING mode, and as soon as the officer develops reasonable suspicion to believe a crime is occurring or that any other required activation is present, as defined in section (3), the BWC will be activated.

(4) **OFFICER RESPONSIBILITIES:**

a. Officers will not use the BWC system or evidence.com until they have successfully completed the required training.

b. Officers will ensure the following when assigned a BWC at the beginning of each shift/tour of duty or off-duty detail:

1. In accordance with this policy, officers are not permitted to work either on or off-duty without a functioning BWC and are responsible for the care and maintenance of the BWC assigned to them. The BWC is to be operated and maintained per the manufacturer’s instructions and recommendations. Officers with BWC equipment that is unavailable to deploy (i.e., not functioning, appears to be broken, missing, etc.), will immediately notify an on-duty district supervisor for direction and the HALO Command Center for immediate repair/replacement. NOTE: HALO operates from 0700 to 0300 hours (if after hours, on-call staff may be contacted through Denver 911).

2. The BWC will be properly affixed upon the officer’s uniform in accordance with departmental regulations and manufacturer’s guidelines. The camera will only be mounted on the officer’s uniform with the department approved collar, helmet, head, and sunglass mounts. Any modification to the BWC unit or mounting is prohibited. Each officer will ensure that their camera is positioned correctly and verify the camera position by use of the viewer. The BWC must be worn for the entire shift.

3. Under normal operation, the BWC’s audible alert signal must remain in the ON position. The audible alert signal may be muted for tactical situations; however, the audible alert signal must be immediately reactivated after the tactical portion of the incident.

4. To record all situations required by this policy, the officer must maintain the BWC in a constant state of operational readiness. Operational readiness means that the BWC has adequate battery life/available storage, remains properly affixed to the officer’s uniform and is set to BUFFERING mode.

5. When not wearing the BWC system, officers will ensure that the BWC is stored in a secure location.

c. Officers will document the use of the BWC within reports, citations, log sheets, arrest book-ins, and/or street checks within the first line of any text entry.

d. Officers are encouraged to notify the public that the BWC is activated and recording. Under most circumstances, notification has shown to diffuse incidents. However, there may be times that this is impractical or that the notification could diminish lines of communication. Officer discretion should be utilized and generally favor notification over non-notification.

1. Officers should notify crime victims and persons wanting to anonymously report a crime that they are being recorded as soon as it is safe to do so.

2. Unless use of the BWC is necessary for an officer’s safety, the safety of others, or to ensure an accurate account of an event, when a person wants to anonymously report a crime or assist in an ongoing investigation, the officer will ask the person if they want the officer to discontinue use of the BWC. If the person states yes, the officer will immediately announce the reason for the deactivation and turn off the BWC.

3. When persons who are recorded request anonymity, officers will note this in written
e. Officers are authorized to review their own BWC recording when preparing official written documentation of a specific event. Officers may only review recordings from their assigned BWC. The viewing will be utilized as a tool when completing written reports to ensure accuracy. The following are exceptions to the above:

1. If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Internal Affairs Bureau investigator, the officer may be authorized to view their BWC recording after the Internal Affairs Bureau investigator has been consulted. The viewing of any BWC recording will only be permitted after receiving authorization from the Internal Affairs Bureau investigator acting under the direction of the commanding officer of the Internal Affairs Bureau.

2. If the officer is involved in (or witness to) a critical incident such as a police shooting, an in-custody injury resulting in death or other critical incident as defined in the Operations Manual, the officer is authorized to view their BWC recording only after the approval of the commander of the Major Crimes Bureau (or designee).

f. Officers will appropriately tag each recorded video.

1. I.D. section: The recording officer will enter the GO/CAD number in the following format:
   
   *Two-digit year – GO/CAD number (e.g., 15-123456)*

2. Category section: The officer will select the most appropriate category from the drop-down menu.
   
   - Death Investigation: Homicide, Known/Unknown Dead, In-Custody Death, Arson Investigation resulting in death, Vehicular Homicide, Hit and Run resulting in death. This category includes the attempt of any of the listed crimes.
   - Sex Assault on a Child: Sex Assault on a Child. This category includes the attempt of the listed crime.
   - Missing Person/Kidnapping: Missing Person and Kidnapping. This category includes the attempt of the listed crimes and excludes runaways.
   - Sexual Assault: Sexual Assault. This category includes the attempt of the listed crime.
   - Felony – Other: Robbery, Felony Assaults, Arson not resulting in death, Child Abuse, Burglary, Felony Theft, Auto Theft, Theft from Motor Vehicle and any other felony crime not designated under any other listed/available category.
   - GO Created: Any misdemeanor crime, any time a GO report is created, a citation is issued or an arrest occurs that does not fit under any other listed category. This category includes both state misdemeanors and municipal violations.
   - Fraud/Forgery – Fraud and Forgery. This category includes the attempt of the listed crime.
   - Private – This is a secondary category to be used in conjunction with any of the other listed categories. This category should only be added at the direction of an investigative or supervisory officer.
   - Protests: This is a secondary category to be used in conjunction with any of the other listed categories when the event is related to a protest.
• Non Event – All Other: All contacts that do not result in an arrest or citation being issued, does not result in a GO report and does not fit any other listed category. (e.g., neighbor disputes, street checks, traffic warning, accidental activation)

3. Title section: If a use of force occurred, the officer will enter “UOF”. If an arrest occurred, the officer will enter “ARST”.
• Officers are encouraged to enter additional useful information in the Title section. An example would be the location of the incident and/or the suspects name and date of birth. This is not required; however, it is strongly encouraged.

g. Uploading of BWC media to the Evidence Transfer Manager (ETM):
   1. Regular on-duty assignment and/or regular on-duty assignment in conjunction with secondary employment:
      Immediately following an on-duty assignment (or after the total hours if worked in conjunction with secondary employment), officers will upload BWC data by placing the BWC into the department ETM at their work assignment, or at their residence (within two hours) using the department issued docking station.
   2. Secondary employment not in conjunction with any on-duty assignment:
      Immediately following secondary employment (within two hours), officers will upload BWC data by placing the BWC into a department ETM or department issued ETM.
   3. Once placed into an ETM, the BWC will not be removed until the media has been fully uploaded.
   4. If evidentiary media exists on the BWC and there will be a significant delay (more than two hours) in uploading the BWC to an ETM, officers will notify an on-duty supervisor.

(5) INVESTIGATIVE RESPONSIBILITIES:
   a. Investigators will not use the BWC system or evidence.com until they have successfully completed the required training.
   b. When assigned a case for investigation, the assigned investigator will:
      1. Determine the identity of all involved officers.
      2. Search evidence.com for any associated BWC media, using multiple search parameters to verify that they have located all relevant files.
      3. Create a digital media file “folder” within evidence.com. The investigator will add all relevant/associated BWC media into the folder.
      4. Verify the accuracy of the category section, ensuring it is in accordance with the correct Colorado Revised Statute. If the category section is incorrect, the investigator is responsible for entering the correct category (see section (4) f).
      5. View all of the applicable BWC media and will notate in their supplemental report that BWC media does exist.

(6) SUPERVISOR RESPONSIBILITIES:
   a. Supervisors will not use the BWC system or evidence.com until they have successfully completed the required training.
   b. When an incident arises that requires the immediate retrieval of BWC media for chain of custody purposes (including, but not limited to: serious crime scenes, officer involved shootings, critical incidents or other incidents as determined by policy/supervision) a supervisor will respond to the scene and ensure the BWC remains affixed to the officer in the manner it was found and that the BWC data remains uncompromised. Through direct
and uninterrupted supervision, the supervisor is responsible for the care and custody of the BWC until it has been removed and secured by the lead investigator.

c. Supervisors are required to review BWC media under the following circumstances and/or when the following reports are generated.
   1. Use of Force Report (DPD 12)
   2. Injury While in Custody and Injury Prior to Arrest Report (DPD 12I)
   3. Forced Entry Report (DPD 460)
   4. The supervisor is investigating a specific act of officer conduct.
   5. The officer has been placed on a performance improvement plan to address identified behavioral or performance deficiencies.
   6. BWC media can be reviewed for both commending and counseling officers.
   7. Requests to review BWC recordings outside of these parameters must be made to and approved by the officer’s commander or above.
   8. The aforementioned is not meant to limit or restrict the Department’s review as part of an official investigation.
   9. Reviews of BWC media that determine it was not activated per policy may result in discipline for the involved officer.

d. Documentation:
   1. When applicable DPD reports are generated, documentation will include whether the BWC media was reviewed and a synopsis of what is contained in the recording. If an incident did not generate any BWC media or if the BWC media has no value, supervisors will document why and the circumstances.
   2. In circumstances where a DPD report is not generated, supervisors may document the review and synopsis of BWC media with a journal entry.

e. When a supervisor is notified of a malfunctioning camera, the supervisor will ensure that the camera is operational prior to re-deploying the camera. If the supervisor is unable to deploy the camera, directions stipulated in section (4)b1 will be followed. In exigent circumstances, a command officer may authorize the officer to work without a BWC system. If an officer’s direct report command officer is unavailable, the supervisor may contact another on-duty district command officer.

f. All officers, with the rank of lieutenant or higher, will have access to view BWC media in evidence.com for the officers assigned to their respective assignments, except for cases that have restricted access. All viewing of BWC media in evidence.com is documented in an online audit trail.

(7) Off-Duty BWC System Responsibilities:
   a. Officers working off-duty in uniform will follow the same procedures as stated in section (4).
   b. Officers working department paid off-duty assignments in conjunction with their on-duty shift will place the BWC into the ETM after working both shifts.

(8) BWC System Administrator Responsibilities:
The BWC system is administered by the Investigative Technology Section, they are responsible for:
   a. Ensuring that officers are trained in the use of the BWC system and equipment prior to issuance.
   b. Ensuring that the BWC equipment meets the standards and requirements of the Denver Police Department.
   c. Providing administrative support regarding the BWC system.
   d. Assigning personnel for the purpose of “sharing” BWC digital media evidence with both the
District Attorney’s and the City Attorney’s Office. All requests for evidence will be in writing from the respective agency.

1. Requests from the District Attorney’s Office:
   - All BWC digital media evidence will be shared with the District Attorney’s Office once cases have been accepted for filing in court. This includes privatized and restricted access video.
   - Personnel will locate the BWC digital case folder that was created by the investigator in evidence.com and “share” the BWC digital case folder with the currently approved District Attorney’s Office user group identified within evidence.com.
   - Any subsequent BWC digital media evidence will be added to the case folder and shared with the District Attorney’s Office.

2. Requests from the City Attorney’s Office
   - These incidents are typically not investigated by a detective or other investigator and the BWC digital media folder will be created by HALO (see section 5(b) above). The BWC media needs to be added to the newly created digital media case folder and then “shared” with the currently approved City Attorney’s Office user group identified within evidence.com.

   e. Assisting in data collection reporting. These reports include, but are not limited to, monthly usage audits, video storage audits, viewing audits and other audits as requested.

   f. Providing technical support for malfunctioning BWC equipment and facilitate all warranty repairs with the vendor.

(9) **DATA MANAGEMENT AND FILE RETENTION:**

   a. All recorded BWC media will be uploaded and retained in evidence.com in accordance with the current retention schedule. The retention of all BWC media will comply with all applicable State of Colorado statutory requirements regarding criminal justice record management and evidence retention and will be based upon the current City and County of Denver General Records Retention Schedule. All BWC media will be purged from the system in accordance with the current retention schedule.

(10) **AUTHORIZED REVIEW AND DISCLOSURE:**

   a. Access to all BWC stored media will be restricted to authorized users and the viewing of any BWC footage will be restricted to legitimate law enforcement or administrative purposes.

      1. BWC recordings will not be reviewed by anyone outside of the involved officer’s chain of command except as outlined in this policy. Any other review (video and/or audio) of BWC recordings must have prior approval from the Chief of Police (or designee).

      2. All officers are accountable for each BWC video/audio review and will be required to justify the reason for accessing the recording. All viewing of BWC media in evidence.com is documented with an online audit trail.

      3. BWC recordings will not be accessed for personal gain or entertainment.

   b. Any request for BWC media made from outside the Denver Police Department, including other law enforcement agencies, the District or City Attorney’s Office, and/or any city agency will comply with both the records disclosure and records management policies of the department (See OMS 109.04 and 109.05).

(11) **AFTER EVENT TRAINING VALUE:**

   When a BWC recording may have training value, the incident CAD number and a brief description of the event will be forwarded by the submitting officer through the chain of command to the Chief of Police.
The Chief of Police will forward the request to the Training Section for review to determine value and relevancy of the recording for training purposes, and to ensure it conforms to current training protocol. The Chief will determine if there are any potential adverse effects of using the video.

a. The Training Section will determine the benefit of using the BWC recording versus other training curriculum and forward their recommendation to the Chief of Police.

b. The involved officer(s) will be notified when BWC recording is being considered for training use. The officer(s) may submit any concerns about the use of the video through their chain of command to their deputy chief.

c. Recordings may be used for training purposes only after any criminal case is adjudicated, and any other administrative review is complete.

d. Recordings will not be used to embarrass or ridicule officers or the public.

(12) **VIOLATIONS:**

Failure to adhere to the recording requirements of this policy will result in the following discipline and actions:

a. 1\textsuperscript{st} violation in a 12-month period: Oral reprimand, and:
   1. Mandated officer review of entire BWC policy,
   2. Follow up meeting with supervisor to discuss key points,

b. Breaches of BWC policy prior to the date of occurrence of the 1\textsuperscript{st} violation will not be counted as additional violations.

c. 2\textsuperscript{nd} violation in a 12-month period: Written reprimand

d. Concurrent with the second violation, an in-depth audit of the officer’s data usage will be conducted and documented by the Performance Development Unit, and will generate a formal Personnel Assessment System (PAS) review. If the audit identifies other potential violations, it may result in an additional investigation, discipline, and/or corrective training.

e. 3\textsuperscript{rd} Violation in a 12-month period: 1 fined day

f. Purposeful, flagrant, or repeated violations will result in more severe disciplinary action. At any time during review, if deemed necessary, violations can be removed from the scheduled discipline above and transitioned to a formal investigation governed by the discipline matrix.

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**119.05 MOBILE FINGERPRINT DEVICES**

**DESCRIPTION:**

A handheld device used by an officer that can capture an individual’s fingerprint in the field and provide a rapid positive identification to the officer. The possible identifications will be limited to subjects maintained in the searched database and does not preclude a record from existing in another database. The mobile devices are only an aid to the identification of a person and will not be used as the sole grounds for establishing probable cause for arrest.

**POLICY:**

The device(s) will be assigned to a district station, Traffic Operations Section, Airport Police Bureau, or a specialized unit/section. The device(s) will not be assigned to a specific officer, but made available to on-duty officers throughout all shifts. The mobile fingerprint device will only be used by personnel who have received training in the proper use of the equipment. An officer must be able to articulate and justify the authorized and appropriate use of the mobile fingerprint device based on policy, training, officer experience and assessment of the circumstances. The device will be issued by a supervisor to an officer at the beginning of a shift and returned to a supervisor at the end of a shift.
a. Officers will not take fingerprints without an individual’s consent, including:
   1. During a consensual contact or a reasonable suspicion stop, unless there is probable
cause to arrest.
   2. When issuing a traffic citation that is not an arresting offense.
   3. When issuing a civil marijuana ticket.

b. If at any time a subject withdraws consent, an officer must stop the fingerprint process
immediately. Further use of the fingerprint device is NOT AUTHORIZED. An officer may not
force or coerce the subject to submit to fingerprinting.

c. All uses of the mobile fingerprint device and the manner in which consent is given will be
documented on the resulting reports or in the absence of any GO, street check or summons, on
the officer’s log sheet. If an officer is in an assignment that does not routinely generate a log
sheet, documentation can be made in the disposition fields on the fingerprint query screen.

(3) VOLUNTARY CONSENT:

a. During a lawful reasonable suspicion contact, the mobile fingerprint device may be used in
situations where the subject to be fingerprinted gives a knowing, intelligent and voluntary consent
to its use.

b. Prior to an arrest or during a lawful reasonable suspicion contact, the fingerprint device may be
used with the knowing, intelligent and voluntary consent of the subject if:
   1. The individual to be printed is subject to an arrest warrant and there is justifiable and
   reasonable belief the fingerprint scan will establish or nullify the subject’s identity in the
   execution of the warrant.
   2. The subject is witness to a criminal offense and the officer believes the person may have
given a false or fictitious name, residence address, or date of birth.

c. If the subject is a juvenile, the parent or legal guardian is required to give consent before the
fingerprint device may be used.

(4) WITHOUT CONSENT:

a. The mobile fingerprint device may be used without consent of the subject if:
   1. Following arrest to verify identity and assist in determining the appropriate arrest routing
   (e.g., jail, order-in, etc.).
   2. Authorized or required in the execution of a valid search warrant.
   3. Specifically required by statute or pursuant to court order.
   4. The officer is conducting an investigatory stop based on reasonable suspicion and the
suspect fails to produce identification.

b. Using a mobile fingerprint device in relation to a search warrant or court order:
   If obtaining a fingerprint with the mobile fingerprint device would require the use of force, a
supervisor will respond to the scene to assess the situation and approve or decline authorization.
If the use of force is approved, the force will be lawful, necessary, reasonable, appropriate and
proportional.

(5) NON-STANDARD USE:

Non-standard use is detailed below and requires notification and authorization of a command
officer. Some examples include:

a. A traffic fatality investigation in which there is no other reasonable means of identifying a victim
   AND a member of the medical examiner’s office is on scene and gives approval.

b. An unknown death investigation in which there is no other reasonable means of identifying a
   victim AND a member of the medical examiner’s office is on scene and gives approval.
c. A homicide investigation in which there is no other reasonable means of identifying a victim AND a member of the medical examiner’s office is on scene and gives approval.

(6) **UNAUTHORIZED USE:**
The mobile fingerprint device is not to be used for random or general investigative or intelligence gathering and any unauthorized use may result in disciplinary action.

### 119.06 DEPARTMENT COMPUTERS AND COMMUNICATION DEVICES

#### (1) COMPUTERS:
For the purposes of this policy, the term “computer” is defined to include PC desktop computers, dumb terminals, CAD terminals, mobile data terminals, computer networks, connections to external computer networks, and/or any attached device(s), such as monitors, printers, scanners, modems, and other such devices. In accordance with OMS 504.04 (1), every division, bureau, section, and unit will maintain an inventory of city owned property. This includes all computer resources.

- Technology Services will physically conduct a department computer inventory on a regular basis, and will maintain the inventory as resources are acquired, upgraded, and allocated.
- Technology Services will compare the accuracy of their inventory report with the Inventory Control Unit of the Operations Support Section.

a. **Computer Assignment and Allocation:**

   Computer resources are assigned to a division, bureau, district, section, or unit. Due to the connectivity of computers throughout the department, adverse consequences can occur when computers are disconnected from networks and moved from desk to desk, or office to office. The movement of computer equipment will only be made with the authorization and assistance of Technology Services.

   1. Command officers or supervisors needing to move a computer for efficient operation of their respective unit will first contact Technology Services to determine the technical considerations and to schedule the movement with the appropriate personnel. Timely notice will be given as much as possible. Officers will not disconnect any computer or component without the authorization and assistance of Technology Services.

   2. Requests to reassign a computer outside of a bureau, division, district, section, or unit will be directed through the chain of command to the commanding officer of the Operations Support Section. As resources are assigned to specific locations in order to accomplish that assignment’s functions, requests for computer reassignment will be weighed against the agency’s missions and objectives and not to serve department personnel’s personal interests. In consideration of this, the commanding officer of the Operations Support Section will direct Technology Services to reallocate computers as necessary. Technology Services will make necessary adjustments to the department computer inventory.

   3. Department personnel will not make changes to department owned computer hardware without authorization from Technology Services. This will include the addition or removal of hardware devices, changes to hardware configuration, switches or jumpers, or changing firmware (embedded software) settings.

b. **Acceptable Use:**

   All computer resources, including devices, programs, and data; electronic or hard copy, owned by the Denver Police Department or the Department of Safety, will be used solely for legitimate department purposes. The use of computer resources for personal or commercial use not related to Denver Police Department business is prohibited. These computers will not be used for:
1. Transmitting, viewing, copying, or installing information that contains obscene, indecent, lewd, or lascivious material or other materials which contain information that explicitly or implicitly refers to sexual conduct.
2. Downloading, storing, transporting, distributing, relocating, or displaying sexually explicit material in any form. For the purpose of this policy, sexually explicit is defined as:
   - Any depiction of the nude human body, whether in the form of a digitized picture, cartoon, altered, retouched, or "morphed" picture, or other characterization of the human body in which it is not fully clothed. This includes any depiction in any form, which displays the individual in "bikini" type clothing, or in garments that are designed or intended to be worn under other clothing.
   - Any depiction, description, representation or discussion of sexual conduct. Also, for the purpose of this policy, the term "download" means through electronic or physical means. This includes, but is not limited to, direct internet connection, telephone dial-up connection to private, commercial internet service providers, bulletin board systems or by copying or moving from floppy disk or other removable transportable electromagnetic media.
3. Transmitting, viewing, or installing information that contains profane language or panders to bigotry, sexism, racism, or other forms of discrimination.
4. Making unauthorized copies of software that is licensed to the Denver Police Department or The City and County of Denver.
5. Installation of unauthorized software.

**c. Discipline:**
Department personnel may be disciplined for any conduct that is prohibited by or otherwise in violation of this policy.

1. Using department computers to access the internet for non-law enforcement purposes and/or for purposes not related to an employee’s assignment is prohibited.
2. Only department approved internet access is authorized. Department personnel may not use private software to access privately subscribed internet accounts on department computers.
3. The Operations Support Section is responsible for auditing use of department computers to ensure compliance with this section.
4. Violations of this policy may result in suspension or termination of department computer internet access; disciplinary action pursuant to the department’s rules and regulations; or legal action in the form of criminal or civil penalties.

**d. Copyright Restrictions:**
Title 17, United States Code, Section 106, gives copyright owners exclusive rights to reproduce and distribute their material, and Section 504 holds copyright infringes liable for damages to the owner of the material. Title 18, United States Code, provides felony penalties for software copyright infringement.

1. Department personnel are prohibited, under any circumstances, from unlawfully reproducing, copying, or distributing software owned by the Denver Police Department or the City and County of Denver, or to install, or to use illegally-obtained software.
2. The office of the Deputy Chief of Administration, through its agents, is solely responsible for purchasing and installing all departmental computer software. Authorized agents include Technology Services and/or the Office of Safety Information.
3. Technology Services will maintain an accurate accounting of all personal computer software installed on department computers.
4. Department personnel will not install personally owned software on department owned computers without written authorization from the Deputy Chief of Administration.

5. Technology Services is required to remove any software, from any computer, that is deemed to be in violation of this section.

(2) ELECTRONIC MAIL (EMAIL):

The purpose of this policy is to set guidelines for users of the department’s email system. This policy is designed to balance the trust and responsibility of all users with the complexity and inter-relational aspects of the department’s computer system.

a. Acceptable use:

1. Department personnel will check email on a regular basis to ensure timely acknowledgement of information.

2. Department personnel will set up an electronic signature in accordance with city branding standards. The electronic signature will be void of non-approved images, stationary or excessive text, including but not limited to, personal and/or inspirational quotes.

a. Restrictions:

The email system is the property of the City and County of Denver and the Denver Police Department and may be monitored by the department. Users are required to comply with this policy and any other directives or policies involving the department’s computer system.

1. At the request of the Chief (or designee), the department will have the right to inspect all email files of employees to correct service problems, ensure system security, retrieve records or transition work when responsible personnel are unavailable, or for other legitimate business reasons.

2. Use of the email system will be restricted to official business that directly relates to the department personnel’s assigned duties. Under no circumstances will department personnel send email from the department’s email system, or from a private email system into the department email system, unless such mailing is directly related to department assigned duties. Such mailing must be approved by the employee’s commanding officer.

3. Under no circumstances will department personnel send mass email, either in a single mailing or aggregate of mailings, either from within the departments email system or from a private e-mail system into the department’s e-mail system, unless such mailing is directly related to department assigned duties. All computer files, including email, are the property of the Denver Police Department, regardless of their physical location or the form in which they are maintained.

4. All department email, whether on paper, computer diskette, hard drive, or other medium of storage, may be considered public records that are subject to the disclosure requirements of the public record law and subject to public inspection under CRS § 24-72-203. Furthermore, email may be subject to discovery in litigation. Therefore, while a particular email record may be privileged under the public record law or in litigation, employees should have no expectations of privacy in either sending or receiving information by email. All computer files, including email, are the property of the Denver Police Department, regardless of their physical location or the form in which they are maintained.

5. Intentionally seeking or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or any other format, message, or text that disparage the department, any person, group, or classification of individuals is prohibited. Department personnel who receive email that includes prohibited material will notify their immediate supervisor who will take appropriate action.
- Department personnel should treat email like written memoranda. Messages deemed inappropriate for sending by written memoranda are likewise not appropriate for email.

- EXCEPTION: Officers conducting criminal investigations that involve computer crimes may be required to receive, copy, or download material otherwise prohibited.

6. Department personnel will not engage in “electronic snooping or tampering” and any such violation may subject the offender to disciplinary or other legal action.

- “Electronic snooping” is the unauthorized attempted use of another employee’s password without the employee’s consent, or unauthorized entry to or attempt to enter the computer files and communication of another without that person’s consent, or the unauthorized entry or attempt to enter the encrypted storage of email messages.

- “Electronic tampering” is the unauthorized interference with or changing of another employee’s password, computer files, or email, or encrypted storage of email messages.

b. Confidential and Sensitive Information:
Confidential, propriety, or sensitive information may be disseminated (or made available through networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to, the following:

1. Transmittal of personnel information, such as salary, evaluations, complaints, grievances, disciplinary information, or related employee information.

2. Criminal history information and confidential informant files, identification files, or related information.

3. Intelligence files and information containing sensitive tactical and undercover information.

c. Discipline:
Department personnel may be disciplined by the department for any conduct that is prohibited by or otherwise in violation of this policy.

1. The Operations Support Section will be responsible for auditing the department’s email system to ensure compliance with this policy.

2. Violations of this policy may result in suspension or termination of access to email; disciplinary action pursuant to the department’s rules and regulations; or legal action in the form of criminal or civil penalties.

3. All employees should understand that all forms of department email and internet usage will be audited on a quarterly basis. Further, random checks may be conducted.

(3) DEPARTMENT PHONES:
The Operations Coordinator (assigned to the Operations Support Section) is the liaison between Technology Services – Communications and the police department. Any request for additional phones (cell or desk), a change in service or relocation of telephones should be directed to the Operations Coordinator.

- All incoming calls to any department phone will be answered promptly by stating the appropriate name of the assignment, along with the officer’s rank and name (or name only if CS employee).

- All department personnel will be courteous and helpful when answering the phone.

- Calls will be transferred promptly.

- Department phones are to be used for department business and personal calls should be limited.
a. Department Cell Phones:
1. All officers will be issued a department cell phone for use in the performance of their duties, and will have immediate access to the department cell phone while:
   a. On-duty or serving in an authorized call-out capacity.
   b. While working police secondary employment.
2. Officers are encouraged to utilize department cell phones in providing service(s) to the community (i.e., calling complainants to obtain additional descriptions, direction of travel, or any other information which would promote the police purpose).
3. A reasonable amount of personal use on a department cell phone is authorized, providing such use does not violate other policies.
4. Whenever and wherever practical, lengthy calls should be made from telephones and not department cell phones.
5. Unless written approval of a deputy chief is obtained in advance (to further an authorized investigation), officers are prohibited from making phone calls to chat lines, dating services, or any 1-900 services. Department personnel may be disciplined for any conduct in violation of this policy.
6. Officers are prohibited from forwarding incoming calls or data from a department cell phone to a personal phone.
7. Every effort will be made to locate a department cell phone that is lost, stolen, or misplaced. If the department cell phone is not located, the individual the phone was issued to will complete all required reports and notify the Operations Coordinator. This will minimize unauthorized use of the phone and unnecessary charges.

b. Workstation Telephones (desk telephones outside the PAB) - Long Distance Charges:
1. Authorization from a command or supervisory officer will be obtained to make any long-distance telephone call.
2. A long-distance authorization code may be obtained from the Operations Coordinator for those individuals in assignments with a continual need for long-distance telephone capabilities.
3. If a personal long-distance call is made or a collect call is received, and the charges are being billed to the police department, notification must be forwarded to the Operations Coordinator, giving the date/time, phone number called, and person making or accepting the call.

119.07 STARCHASE VEHICLE PURSUIT MANAGEMENT SYSTEM

(1) PURPOSE:
The Denver Police Department authorizes the use of StarChase Vehicle Pursuit Management technology to remotely affix a global positioning system (GPS) device to vehicles that are eluding or to vehicles prior to a pursuit, when an officer reasonably believes that a suspect is likely to flee and does not have time to obtain a warrant. This policy provides direction in the safe deployment and management of the StarChase System to recover wanted vehicles and to aid in the apprehension of a criminal suspect.

(2) DEFINITIONS:
StarChase Pursuit Management System (StarChase): A compressed-air launcher mounted to the grill of a department vehicle that deploys a GPS monitoring device that adheres to a suspect vehicle with an industrial-strength adhesive compound.

(3) AUTHORIZED USE:
The use of StarChase is authorized only when an officer has identified one the following conditions:
a. Stolen vehicle
b. Vehicle used in a felony
c. Vehicle occupied by an individual suspected in a felony or violent crime
d. Vehicle with an associated felony warrant
e. When a vehicle pursuit is authorized – See OMS 204.01
f. When a deployment has been authorized by a supervisor who can articulate a compelling need as detailed in OMS 204.01(1)c.1

The following circumstances must also apply to deploy this device:
- Vehicle is occupied, and;
- Officers have reasonable suspicion that the vehicle is currently fleeing or will attempt to flee, and;
- The officer does not have time to obtain a warrant.

(4) SAFETY CONSIDERATIONS:
Prior to deployment, officers will consider the following:

a. Whether the officer can safely maneuver close enough to the target vehicle for a successful tag, considering the totality of the circumstances (i.e., weather, road conditions, etc.).
b. The presence of pedestrians who could be struck if the launched tracker misses its target.
c. The device will not be deployed at the following vehicle types due to risk of occupant injury:
   1. At a vehicle in which occupants are exposed (e.g., convertible, etc.)
   2. At a vehicle with fewer than four tires/wheels (e.g., motorcycle, moped, etc.)
   3. Any vehicle with a damaged or missing rear window

(5) DEPLOYMENT:
The timing and decision to deploy StarChase should consider the advantage of launching the device prior to making an attempt to stop the vehicle.

a. StarChase will only be deployed by officers who have been trained in its use.
b. Unless authorized to engage in a vehicle pursuit, officers will not engage in conduct that would be considered a vehicle pursuit, and a violation of the vehicle pursuit policy, in an effort to deploy StarChase.
c. Once deployed, officers will immediately notify a supervisor and dispatch. When a vehicle pursuit is not authorized, officers will slow down and disengage from any conduct that could be perceived as pursuing the tagged vehicle.
d. When a vehicle pursuit is authorized, officers will adhere to the DPD vehicle pursuit policy – See OMS 204.01.

(6) TRACKING:
Outside of an authorized vehicle pursuit, StarChase is the primary means of locating the vehicle.

a. Once deployed, Denver 911, the supervisor, or the supervisor’s designee, will continually update officers with the speed, direction, and location of the tagged vehicle until recovered or tracking has been discontinued by a supervisor.
b. Once deployed, a supervisor is responsible for defining the parameters of the response. The supervisor will weigh the severity of the crime with the total number of department resources needed to recover the vehicle and the distance a response is authorized if the tagged vehicle leaves the City and County of Denver.
c. No officer will access the StarChase application while driving a department vehicle.
d. If a tagged vehicle enters another jurisdiction, Denver 911 will notify the appropriate agency of the incident, including why the vehicle was tagged and if DPD officers are in an authorized pursuit, or if DPD is only tracking the vehicle’s location for recovery purposes.

e. The device will not be used to track a vehicle for any other purpose than to locate and recover the tagged vehicle, and apprehending suspects who were driving or were otherwise passengers at the nearest opportunity. It will not be used for other forms of intelligence gathering.

f. Officers will remove the device once the tagged vehicle has been recovered and the scene is safe. When possible, the device should not be removed in the presence of the public or other non-law enforcement individuals.

(7) **Reporting:**

Depending on the incident type, officers will complete either of the following:

a. Vehicle pursuit reporting procedures per OMS 204.04 (4) and (5), or

b. If a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer will describe the event on a GO report titled, “Vehicular Eluding – No Chase” and route the report to Traffic Investigations.

c. In either instance, officers will complete and attach the StarChase Text Template to the General Occurrence (GO) report in Versadex.

d. Once assigned, the investigative sergeant or detective will download incident data from the StarChase application and copy the information into the GO report.

(8) **Program Administration:**

a. StarChase inventory and equipment will be maintained by the Division Chief of Patrol Office.

b. Deployed/used devices will be returned to the Division Chief of Patrol Office.

c. Communication with the StarChase vendor regarding training, equipment, and customer service will be coordinated by the Division Chief of Patrol Office.

119.08 **911Eye System**

(1) **Purpose:**

The 911eye system is a public safety telecommunications system used to connect persons dialing 911 directly to law enforcement to begin processing certain calls for service ahead or in lieu of an officer’s physical response to a scene. 911eye enables any caller with a smartphone to send text messages, still photos, live audio calls, and live video footage directly from their mobile device to Denver 911 and responding personnel in the field. 911eye provides the ability to maintain a high level of service while protecting first responders and community members from potential exposure in accordance with CDC guidelines. This will not be used as overt or covert surveillance.

(2) **Definitions:**

**Allow Sharing:** A function within 911eye permitting personnel to share live 911eye sessions, to include video streams, photographs, audio, and text messages. This function will be assigned to personnel based on need.

**Media Download:** A function within 911eye permitting personnel to download session media and reports from the cloud server to a local storage device. This function will be assigned to personnel based on need.

**Organization User:** Assigned personnel within the Denver Police Department who are assigned an account to provide direct access to the 911eye system. There are three levels of organization users:

- **911eye System Administrator:** Assigned personnel responsible for managing system access, developing procedures for use, and liaising with the system vendor.
• **911eye System Operator**: Personnel using the system to respond to calls for service or manage an incident/event response.

• **911eye System Supervisor**: Assigned personnel who, based on assignment and/or need, may be required to receive live or stored digital media, review 911eye session activities, or download data from a session(s) or process session data for operational needs of the department.

**Property Report Technician (PRT)**: Part of the Civilian Report Technician Program, PRTs report to and fall under the direct supervision of a patrol district investigative sergeant and handle low-level property crime reports.

**Recipient**: Authorized personnel, who based on need, receive a 911eye video, photograph, text message and/or audio link to a device such as a mobile phone.

(3) **Policy**: The 911eye system can be used in lieu of an in-person response to access media captured by a caller in real-time for the purpose of improving situational awareness and minimizing unnecessary exposure to personnel. Media provided may assist in determining the most appropriate type of response and resources to be dispatched to the scene, and any first responder safety issues.

(4) **System Use and Responsibilities**:

a. The 911eye system can be used for the following calls for service:
   - Bicycle Theft
   - Burglary
   - Criminal Mischief
   - Found Property, excluding found narcotics, dangerous/hazardous materials, firearms, or ammunition
   - Gas drive-offs
   - Identity Theft
   - Lost or Stolen Property, including Check/Credit Card/ATM Card
   - Theft from Motor Vehicle
   - Motor Vehicle Theft
   - Theft

b. Calls will be dispatched by an Emergency Communications Operator to a Property Report Technician (PRT) who will be responsible for explaining the 911eye system to the caller and obtaining the caller’s consent. Incidents where callers refused or were denied 911eye access will be captured in applicable reports. If a PRT is not available, the call will be handled either through an on-scene officer response or an online report.

c. If the caller agrees to utilize the 911eye system, the PRT will establish the 911eye link and complete the report, noting that the 911eye system was utilized and whether any digital evidence has been uploaded to Evidence.com.

d. 911eye will also be used to verify the location of the caller when its Global Positioning System (GPS) function can be leveraged to further support situational awareness needs.

e. The 911eye system does not take the place of the PRT or officer’s observations with the naked eye and should be considered a form of observation or closed caption television (CCTV).

f. PRTs, officers, and investigators may use the 911eye system tool to conduct interviews.

g. PRTs, officers, and investigators will record use of 911eye system appropriately in reports and ensure media captured is retained as evidence if applicable.

(5) **911eye System Administrator Responsibilities**:
a. Providing administrative support regarding the 911eye system.
b. Assisting in data collection reporting.
c. Providing technical support for malfunctioning equipment and facilitate all warranty repairs with the vendor.

(6) **DATA MANAGEMENT AND FILE RETENTION:**

a. 911eye files captured are not recorded on the caller’s cellular phone, but rather are streamed live directly from the device while being simultaneously recorded and stored on a CJIS compliant cloud server.

b. All recorded media files are stored in the 911eye system for 30 days. Audit and other files may be uploaded and retained in evidence.com in accordance with the current retention schedule.

c. 911eye recordings containing information that may be of value for case prosecution or in any criminal or civil proceeding will be safeguarded as other forms of evidence. As such, officers or investigators will ensure that recordings or photos needing to be preserved will be requested within 30 days of capture.

d. 911eye “Session Audit Details” include the specific sequence of events during a 911eye deployment and are stored in the system for 90 days. Officers or investigators will ensure that “Session Audit Details” reports needing to be preserved will be requested within 90 days of capture.

e. Officers and investigators will not erase or in any other manner alter, tamper with, destroy, or conceal any video recording and/or photos captured by the 911eye system.

(7) **AUTHORIZED REVIEW AND DISCLOSURE:**

a. Access to all 911eye stored media will be restricted to authorized users and the viewing of any such files will be restricted to legitimate law enforcement or administrative purposes.

1. In circumstances when an officer or investigator determines that it is necessary to download a 911eye recording, a request will be made to the assigned PRT within 30 days of captured recording(s)/photo(s) and 90 days of session audit details report(s). An exception exists for those with 911eye System Supervisor and media download rights. Personnel with these rights may review and download recording(s)/photo(s) and session audit details report(s) based on operational needs of the department.

2. All personnel are accountable for each 911eye media review and will be required to justify the reason for accessing the recording. All viewing of 911eye media is documented with an online auditable trail.

3. 911eye media files will not be accessed for personal use or shown to any third party without a legitimate law enforcement reason.

b. Any request for 911eye media made from outside the Denver Police Department, including other law enforcement agencies, the District or City Attorney’s Office, and/or any city agency will comply with both the records disclosure and records management policies of the department - See OMS 109.04 and 109.05.
203.00  TRAFFIC ACCIDENT INVESTIGATION

203.01  INITIAL RESPONSE

(1)  GENERAL GUIDELINES:

A traffic accident is defined as unintentional damage or injury caused by the movement of a vehicle or its load. The main objective of an accident investigation is to determine if there was a violation of law, and if so, to prove each element of the offense. An officer or Denver 911 employee receiving a report of an accident (by telephone or other means) will:

a.  Ascertain the exact location of the accident and determine if any injuries have occurred.
b.  Request necessary resources and assistance (e.g. paramedics, fire department, tow truck, etc.)
c.  Direct parties involved to move their vehicles (if possible) from traffic lanes to expedite traffic flow. If the accident is on a highway and vehicles are drivable, instruct the drivers to move to a safe location off the highway (if possible), but to the shoulder at a minimum. Depending on circumstance, the Denver Fire Department may request that vehicles be moved (or towed) out of traffic lanes to a less obstructive and/or nearby safe location.

Vehicles are not to be moved when the accident involves injury, if a driver is suspected to be under the influence of drugs or alcohol, or is otherwise impaired due to an emotional or mental state.

d.  Use the guidelines in OMS 203.02(1) to determine whether a report will be made at the scene of the accident.

(2)  UPON ARRIVAL AT THE SCENE OF AN ACCIDENT, THE FOLLOWING STEPS WILL BE TAKEN:

a.  To the degree possible, position the police car so that it does not create further hazard.
b.  Protect the accident scene.
c.  Check all vehicle occupants for personal injury and evaluate the physical condition of the drivers. Determine whether injuries have occurred and request an ambulance and other assistance (if necessary). If practical, render first aid (see OMS 116.06). If any driver appears to be under the influence of intoxicating liquor or drugs, the investigation will proceed as outlined in OMS 204.02.

d.  Check for hazards at the scene and notify the dispatcher if any repairs are needed. Restore a safe traffic flow as soon as is practical. Officers will attempt to identify all potential hazards, making sure the roadway is cleared for safe travel, and use appropriate safety precautions regarding damaged vehicles (i.e., such as flammable liquids, hazardous cargo, hybrid, and electric vehicle systems, etc.)

e.  When the fire department is called to extricate individuals trapped in any manner, the ranking officer of the fire department at the scene will be in complete charge until rescue operations have terminated.

f.  Give each driver a Crash Information Exchange Form (DPD 599) after completing the space marked “investigating officer”. Officers will point out the information on the reverse side of the form regarding towing procedures.

g.  Determine if a report will be made. If a report will not be made, then the subsequent procedure will be followed:

1.  Verify the validity of any involved vehicle registration, driver license and insurance requirement.
2. Advise each driver that, if the damage to any one vehicle or property is later found to exceed the minimum damage criteria established by statute, a counter report/online report should be made by all drivers involved.

3. On the Daily Activity Log (DPD 120), the officer will document the names and license plate numbers of all persons involved, as well as a description of the actions taken.

4. Ensure that the vehicles involved do not present a traffic hazard prior to leaving the scene.

5. Be aware of potential hazards and use appropriate safety precautions regarding damaged vehicles, such as flammable liquids, hazardous cargo, hybrid, and electric vehicle systems, etc.

3. **FIELD INVESTIGATION:**
   a. The scene examination should start where the vehicles came to final rest. Debris and/or broken parts from the vehicles will help locate the key events and indicate the paths of the vehicles involved. Skid marks show position and direction of travel, evasive action, or unlawful behavior.
   b. Some evidence in accident investigation is very fragile: pools of gasoline, oil, blood, pieces of broken glass, clothing transfer, on road surfaces. Evidence which can be damaged, altered, destroyed, or removed from the scene by a willful or negligent act, must be identified, secured and included on the diagram prior to any alteration.
   c. Obtain all information required for the accident report, including statements from all drivers and witnesses.
   d. In cases where the driver of a vehicle involved in an accident is not the owner and cannot establish his or her relationship with the owner, officers will clear the vehicle through CCIC/NCIC to ascertain if it has been reported stolen. When possible, the owner should be contacted to establish the driver's authorization to be in possession of the vehicle.
   e. Check vehicles for mechanical soundness of lights, brakes, windshield wipers and other auxiliary safety devices, the operation of which may have affected the accident.
   f. Contact involved persons at the hospital, if necessary, to obtain further information.
   g. Cite the at fault driver for the accident causing violation and any other charges, if applicable.

4. **CITING OF ACCIDENT CAUSING VIOLATIONS (TRAFFIC ACCIDENT REPORT NOT COMPLETED):**
   Although officers are not required to make a traffic accident report if the state minimum damage criteria are not met and none of the criteria in OMS 203.02(1) is present, they will cite drivers for the accident causing violation without completing a report following the procedure below:
   a. Examine all involved driver license, registration and insurance requirements.
   b. Ensure that the Accident Exchange Information Form (DPD 338) is completed and exchanged.
   c. Investigate to ascertain if an accident causing violation has occurred.
   d. If there is sufficient evidence to support a violation, a citation will be issued. If a citation is issued, check the "Accident" box on the Uniform Traffic Summons & Complaint/Penalty Assessment Notice.
   e. Officers will include in their notes, on the reverse side of the city attorney's copy, the results of their investigation, including:
      1. A simple diagram or description of the accident.
      2. The defendant's statement.
      3. A description of the weather and street conditions.
      4. The names of other drivers or independent witnesses to be subpoenaed.
      5. Any other information the officer deems necessary.
6. A note must be made at the top, reverse side, of the City Attorney’s copy that an accident report was not completed, due to an insufficient amount of property damage.

f. Nothing in this procedure precludes an officer from completing a traffic accident report when called to the scene of a minimal property damage accident.

g. When accident alert procedures are in effect, see section (7).

(5) JURISDICTIONAL DISPUTES:

a. When an accident occurs on or near a Denver City and County boundary line, the responsibility to investigate and report the accident rests with the law enforcement agency having jurisdiction where the first harmful event occurred. *(The first harmful event is defined as the first point of injury or damage in the sequence of events in a traffic accident. A traffic violation is not, in and of itself, considered to be a harmful event.)*

b. When a jurisdictional dispute arises at the scene of an accident, on or near a Denver boundary line, which cannot be resolved by the Denver Police Department officers and other law enforcement agencies at the scene, and it appears a report will not be made by any other agency, the accident report will be made by the Denver Police officer and appropriate traffic charges will be placed at the scene.

(6) PRIVATE PROPERTY ACCIDENTS:

a. If necessary, Denver 911 will dispatch an officer.

b. When an officer observes an accident or is notified of an accident by any means, he/she will complete the necessary reports whenever there is injury, fatality, hit-and-run, or alcohol involvement indicated.

c. Absent an injury, fatality, hit-and-run, or alcohol involvement, persons notifying the police department of a private property traffic accident will be provided with reporting options:

1. Drivers/property owners should exchange information

2. Drivers/property owners will be directed to complete a counter report or online report.

When persons involved in private property accidents (driver or property owner) insist on a police report, an officer will be dispatched and complete a report accordingly.

d. In addition to the state statutes regarding hit-and-run and DUI cases, officers may cite violators involved in private property accidents with the following ordinances:

- Reckless Driving (DRMC 54-126)
- Drag Racing (DRMC 54-159)
- Careless Driving (DRMC 54-158) *NOTE: should be included with the charge of Drag Racing*
- Violations of any other traffic ordinance, such as unsafe backing or speeding, must be charged only as careless driving. The listed ordinances are the only ones interpreted as being applicable to private property accidents.

e. The rules of issuing traffic citations on private property are the same as those that apply to city property. The violations must either be witnessed by the officer or, in the case of an accident; the officer must have probable cause to believe the violation did in fact occur.

(7) ACCIDENT ALERT PROCEDURES:

Accident Alert procedures will be implemented whenever insufficient police units are available to respond to the volume of traffic accidents reported to Denver 911 due to severe weather and road conditions, any emergency tactical alert, or other circumstances and conditions when insufficient police units are available. In making the decision to implement Accident Alert procedures, consideration will be given to the magnitude and expected duration of the event or weather incident, the availability of traffic officers for redeployment to the affected area, as well as the size of the affected area (district or citywide).
a. The impact and importance of implementing the accident alert procedure, whether the alert needs to be citywide or specific to a district, and how long the alert remains in effect is significant to the level of service provided to the public.

b. Following consultation with an on-duty supervisor of Denver 911, the decision to implement Accident Alert procedures rests with the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section.
   - District command officers may request an Accident Alert by contacting a Denver 911 on-duty supervisor. The Denver 911 on-duty supervisor will then contact and inform the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section.

c. Denver 911 operators receiving accident calls will complete a CAD entry with the complainant's name, address, and location of the accident. The Denver 911 operator will ascertain if injuries are involved or other conditions requiring police intervention exist. If police officers are not sent, the complainant will be advised to file a counter report and that no further police action will be taken.

d. During Accident Alert, police units will be dispatched to accidents involving death or injury, street closures, city property, city vehicles, on-duty city personnel, or when a driver is reported to be under the influence of drugs or alcohol. An officer will also be sent when there are other problems requiring police intervention, such as a refusal/failure on the part of any involved driver to provide his/her name and address, and/or to show a driver's license or proof of insurance upon request. Absent these circumstances, officers will not be dispatched to traffic accidents. Officers dispatched to a traffic accident must follow normal procedures as though there was not an Accident Alert in effect.

e. The on-duty 911 supervisor and his/her relief will provide updates to the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section on pending calls for service, available police units and other pertinent information. When sufficient police units are available to respond to accidents, the Commander of the Special Operations Division, or if unavailable, the Captain (or acting captain) of the Traffic Operations Section will immediately notify Denver 911 to discontinue Accident Alert procedures.

f. As a result of an Accident Alert, district station clerks and officers assigned to the Information Desk Unit will assist citizens in making a counter accident report when necessary. The report will be stamped “Counter Report” and no further action will be taken. See OMS 203.06

203.02 STATE OF COLORADO TRAFFIC ACCIDENT REPORT

(1) REPORTING REQUIREMENTS:

 Officers will investigate and make a report on any traffic accident in the following situations:

a. The damage to the property or vehicle of any one person exceeds the minimum damage criteria established by statute. When there is a question as to the amount of actual damage, an accident report will be made. When accident alert procedures are in effect, see OMS 203.01(7).

b. A personal injury or fatality is involved.

c. City and County of Denver property, vehicles or on-duty city personnel are involved.

d. An involved driver is suspected to be under the influence of alcohol or drugs.

e. An involved driver operated a vehicle with driver license restraints, had an improperly registered vehicle, or failed to produce proof of insurance. The fact that a driver is cited for having no proof of insurance must be noted on the accident report.

f. An involved driver left the scene without fulfilling statutory information requirements when solvability factors are present at the time of reporting, see OMS 203.04. In the absence of
solvability factors, officers may advise the victim of the on-line reporting option, see OMS 203.06(2).

g. Upon request, officers will investigate and report accidents which fall under the minimum damage criteria established by statute when:
   1. Public vehicles are involved, such as federal, state or other police agencies.
   2. When specifically requested to do so by one of the involved parties (C.R.S. §42-4-1606).
      The department will interpret this provision of the statute to mean that a request to investigate and report an accident must be made at the accident scene.

h. When it is determined that a report will be made, the officer will complete the State of Colorado Traffic Accident Report (Form DR-2447) electronically via the MRE as outlined in the Denver Police Department Electronic Accident Report Reference Manual.
   1. Although the responsibility to accurately maintain the Electronic Accident Report Reference Manual is shared equally between the commanding officers of both the Traffic Operations Section and the Information Management Unit, primary responsibility for revisions to the manual will be initiated by the commanding officer of the Traffic Operations Section.
   2. A detailed explanation of the State of Colorado Traffic Accident Report can be found within the State of Colorado Investigating Officer’s Traffic Accident Reporting Manual.

(2) CODE TABLES – DENVER SPECIFIC:
The following boxes on The State of Colorado Traffic Accident Report are agency specific to the Denver Police Department.
   a. County - DENVER
   b. County # - 01
   c. District Number - The reporting officer’s detail and car assignment (example: 2-213)
   d. Agency Code:
      1. If the report is a hit-and-run, the officer will enter 01 into the agency code box.
         • All reports marked 01 will be accompanied by a traffic case summary
      2. If the report is incomplete, the officer will enter 09 into the agency code box.
         • All reports marked “INC” will be accompanied by a traffic case summary
      3. If the report meets the requirements for an early case closure, enter 02 in the agency code box.
         • The criteria for establishing an early case closure can be found in OMS 203.04(7).
         • All reports marked 02 do not require a traffic case summary
      4. If the report is not a hit and run but involves a Denver Fire Department vehicle or on-duty firefighter, enter 04 in the agency code box.
      5. If the report is not a hit and run but involves a Denver Health Medical Center ambulance, enter 05 in the agency code box.
      6. If the report is not a hit and run but involves a vehicle belonging to the City and County of Denver (other than those listed above) or an employee during their working hours (other than those listed above), enter 06 in the agency code box.
      7. If the report is not a hit and run but involves property belonging to the City and County of Denver, such as buildings or fixtures, enter 07 in the agency code box.
      8. If the report is not a hit and run but involves and outside police agency, to include Denver Public Schools Department of Safety, enter 08 in the agency code box.
e. District Number - Enter the district, division, section, or unit number of the reporting officer’s assignment, followed by the precinct of occurrence. Assignment numbers:
   • 1 District One
   • 2 District Two
   • 3 District Three
   • 4 District Four
   • 5 District Five
   • 6 District Six
   • 7 Highway / HazMat Unit
   • 8 Road Rage Unit / City Enforcement Unit
   • 9 DUI Unit & Traffic Investigations Unit
   • 10 Airport Police Division, Metro/SWAT, Gang Section, Vice/Narcotics (and all others not listed)

(3) SECTION REQUIREMENTS:
Officers will accurately complete the all sections of the accident report based on the Electronic Accident Report Reference Manual and in accordance with the following procedures:

a. Accident Report Narrative: Use the following format to describe the accident factually and concisely.
   1. Traffic Unit #1 (name), was traveling (direction), on (street), at a stated speed of (mph), (describe action/violation) and struck (or was struck by), Traffic Unit #2 (name), traveling (direction), on (street), at a stated speed of (mph).
   2. Another paragraph will be added to describe the actions of the traffic units after the impact.
   3. Do not include drivers’ statements in the body of the report. Driver statements will be recorded in the reporting officer’s statement of the accident report or as scanned images, if the statements are handwritten.
   4. All locations will be complete, indicating the type of thoroughfare and the direction.
   5. Do not list witness names and addresses in the body of the report. Witnesses will be recorded in the accident report as entities and any statements of their observations will be recorded in the reporting officer’s statement or as scanned images, if the statements are handwritten.
   6. Accident reports that do not follow the outlined format, or as specifically indicated within the State of Colorado Investigating Officer’s Traffic Accident Reporting Manual, will be returned to the reporting officer's commanding officer for correction.

b. Diagram Section – Requirements: The diagram section is used to present a pictorial description of the narrative portion of the report. Officers are not required to complete the diagram portion of DR2447 State of Colorado Traffic Accident Report, with the following exceptions:
   1. Fatal Accidents
   2. Injury Accidents
   3. Evident incapacitating: Any injury, other than a fatal injury, that prevents the injured person from walking, driving or normally continuing the activities the person was capable of performing before the injury. Examples include severe lacerations, broken limbs, and skull, chest, or abdominal injuries.
   4. Hit-and-Run Accidents: Diagrams for hit-and-run accidents will depict the most likely scenario of how the vehicles came into contact with each other and indicate how the
damage occurred based on victim/witness statements and the officer’s on-scene investigation, even if the vehicles were moved prior to the officer’s arrival on-scene.

5. Accidents involving city vehicles, city property or on-duty city employees.
6. Accidents involving DUI, DUID or DWAI
7. Incomplete Reports
8. Nothing in this policy precludes an officer from completing a diagram on an accident report.

c. Diagram Section – Variables: A number of variables may affect an officer’s decision to complete an accident diagram.
   1. Collision events are complex and hard to describe in the narrative.
   2. Accident location is difficult to describe in the narrative.
   3. Necessity for documenting light patterns at an intersection for later testimony.
   4. Location is under construction and the roadway design may change.
   5. Location is under construction and barriers, cones, etc., are present and cannot adequately be described in the narrative.
   6. Line of sight obstructions for drivers are present and best depicted in a diagram.
   7. Some judges in county and traffic courts require the drawing of a diagram during an officer’s testimony. If an officer cannot reproduce the diagram from memory and notes, the case will likely be dismissed. Officers should prepare by bringing to court an aerial photograph that depicts the intersection, or accessing mapping applications in order to reproduce the location for testimony. Courtrooms are not equipped with computers that officers can access for this purpose.

d. Diagrams will be drawn using ScenePD and electronically uploaded/attached to the accident report.

e. Measurements will be included in the diagram on all fatal and injury accidents, or whenever measurements are necessary to prove elements of the offense. The measurements indicating the point of impact will be included on the diagram unless the following circumstances exist:
   1. The vehicles were moved and the drivers are unable to pinpoint where the collision occurred, and there are no other witnesses present, and there is a lack of physical evidence showing the location of impact.
   2. The measurements indicating the length of the paths of difficulty will be included on the diagram. Paths of difficulty include both skid and scuff marks.
   3. If measurements cannot be taken, it will be noted in the accident diagram with an explanation. The mere fact that the vehicles were moved prior to the officer’s arrival is insufficient as the sole explanation.

f. Insurance information

Officers will accurately indicate insurance policy numbers and expiration dates of involved vehicles. If a city-owned vehicle is involved, the insurance information fields are as follows:
   • Company - “City and County of Denver”
   • Policy Number - “Government vehicle, self-insured municipality.”
   • These are mandatory entries to comply with the Colorado Financial Responsibility Law.

g. All information required from Overlays A and B must be included on the accident report.

h. Officers or Denver firefighters will provide every driver and owner(s) of property damaged in an accident the Crash Victim Information Sheet (DPD 599).

(4) DETERMINING VIOLATIONS:
When making a traffic accident report, officers have the responsibility of determining any violation and initiating appropriate court action.

a. When a driver is cited for an accident causing violation on the Uniform Traffic Summons & Complaint/Penalty Assessment Notice, the officer will mark the “Accident” box and the “Significant Property Damage” box if the resulting damage to any vehicle or property of another person is moderate or extreme (damage severity code 2 or 3). If an injury/death has occurred as a result of the accident, the “Personal Injury/Death” box will also be marked.

b. If the elements of an offense are lacking, and the officer is unable to obtain evidence sufficient to support a charge, none should be filed. Under these circumstances, the officer will include in the body of the report the reason no citation is issued, i.e., “No citation issued due to conflicting statements, lack of witnesses and/or physical evidence”.

c. List all witnesses, including the other driver(s) on the back of the City Attorney’s Copy.

d. Enter the issuing officer’s correct bureau number on the space titled “BUR” on the Summons and Complaint/Penalty Assessment Notice. See OMS 203.02(e).

5) REPORT SUBMISSION:
Upon review and approval by a supervisor, completed reports will be delivered to the Records Section through the online approval process within the MRE System. If citations have been issued, they will be forwarded by the issuing officer to the Records Unit via Inter-departmental mail. **THE OFFICER MUST SUBMIT FOR APPROVAL ALL ACCIDENT REPORTS AND MAKE ALL REQUIRED CORRECTIONS BEFORE THE OFFICER GOES OFF-DUTY.**

a. Citations written in conjunction with a traffic accident investigation will be routed to the Records Unit via the appropriate envelope located at the officer’s assignment.

6) ACCIDENTS INVOLVING SCHOOL BUSES:
Officers investigating a collision involving a school bus will notify the Traffic Investigations Unit in the event that a bus occupant is injured. TIU will coordinate the investigation with the responding officer and determine the level of investigative involvement necessary. In the event of a fatality or serious bodily injury, TIU will be notified as soon as practicable and will take a primary role in the investigation.

a. Responding officers should:
   1. Protect the scene.
   2. Employ proper investigative protocols to include securing the scene with crime scene tape in the case of serious bodily injury or fatality, leaving vehicles in their positions of rest, identifying and interviewing drivers, passengers and witnesses.
   3. Identify and protect any pre-collision tire marks, area of impact roadway evidence and post collision tire marks from contamination or destruction.
   4. Note the position of all injured bus passengers, including those removed by medical personnel, and determine which hospital each passenger was taken to.
   5. Create a General Occurrence (GO) report and a State of Colorado Accident Report, documenting the location of injured bus passengers.

b. When TIU response is required, the TIU investigating officers will immediately coordinate with the on-scene incident commander to expedite the investigation. The duration of scene processing depends on the collision complexity, level of injuries, number of bus passengers, and the need for additional resources such as commercial motor vehicle inspectors.

c. In the event of a major closure and significant resource commitment, the incident commander is responsible for completing an After Action Report (DPD 286).

7) ACCIDENTS INVOLVING SNOWMOBILES:
a. The operator or owner of any snowmobile involved in an accident resulting in death, injury or property damage is required to immediately (by quickest available means of communication) notify the law enforcement agency having jurisdiction (C.R.S. §33-14–115).

b. The operator or owner of the snowmobile is further required to report the accident, within forty eight (48) hours, to the Denver Office of the Colorado Division of Parks and Outdoor Recreation on a report form furnished by the division. Officers will advise such owner or operator that they are required to report the accident to the division. Copies of the "Snowmobile Notice of Accident" report will be maintained in the Traffic Investigations Unit.

c. In the event a police report is generated by members of the department (Motor Vehicle Accident Report or Non-Traffic Accident Report), a copy of the completed report will be sent to the commander of the Special Operations Division. That copy will then be forwarded to the Colorado Division of Parks and Outdoor Recreation.

(8) ACCIDENTS INVOLVING RAILWAY TRAINS OR RTD LIGHT RAIL.

Officers responding to accidents occurring on a railway or involving railway equipment such as crossing arms, switching boxes or signage will immediately confirm with the Denver 911 dispatcher that all trains approaching the incident location have been stopped. Officers coming upon such an incident will immediately notify the Denver 911 dispatcher to have all train traffic stopped on the associated track system. Officers will stay clear of all track systems and direct all involved persons to a location of safety, far enough away from tracks to avoid secondary impacts should a train be unable to stop.

a. Railway Operators in Denver:

Different railway entities operate multiple tracks next to each other. All railway traffic must be stopped to ensure the safety of first responders and other persons. Officers will identify the specific railroad(s) or railway operator(s) as soon as possible and relay that information to Denver 911 dispatch. Every railway crossing has signs posted with the specific railroad / railway operator with emergency contact information. Additionally, all railway-track entities are clearly identified on the Denver GIS map available on the MDT. Four distinct entities operate railways in the City and County of Denver:

- RTD Light-rail and Heavy Commuter-rail
- Burlington Northern / Santa Fe (BNSF)
- Union Pacific (UP)
- Denver Rock Island Railroad (DRIR)

b. Establishing a Rail Safety Zone:

If officers / Denver 911 dispatch are unable to confirm that approaching railway traffic has been stopped:

- Post officers two miles down the track in both directions.
- Posted officers will position themselves to the side of the track system, clear of approaching trains.
- Posted officers will assume a position near enough to the track system to be visible but not so close as to create a hazard. Never stand directly on any track where railway traffic is active.
- If a train approaches, face the train and wave a flashlight or lighted highway flare in a pendulum fashion in front of the body from right to left. This is the universal railroad stop signal. Note: A freight train travelling 55 MPH can take over one mile to come to a complete stop.
- Posted officers will notify other affected personnel whether approaching trains have been stopped or continue to present a hazard.
c. Clearing the Scene:
   At the conclusion of a railway involved accident investigation, officers will:
   - Ensure the railway entity has dispatched a track maintenance crew.
   - Coordinate with the track maintenance crew and obtain the name of the responsible person before relinquishing custody of the scene.
   - Document the responsible person’s name in a statement and included in the GO report.
   - Notify Denver 911 dispatch when clearing the scene and relay the responsible person's name and contact information.

d. Reporting
   - Traffic accidents involving a train or a light rail train and a motor vehicle will be investigated and reported as a motor vehicle accident.
   - Collisions involving a train or light rail train and a bicycle or pedestrian will be investigated and reported as a non-criminal/non-traffic accident. See OMS 203.10

(9) ACCIDENTS INVOLVING DRIVER LICENSE RESTRICTIONS:
See OMS 204.10 for accidents involving persons operating motor vehicles in violation of license restraints, such as driving under suspension, denial, revocation and/or cancellation.

(10) ACCIDENTS INVOLVING DRIVING UNDER THE INFLUENCE (DUI):
See OMS 204.02 regarding drivers under the influence of drugs and/or alcohol. NOTE: DUI cases require a Sobriety Examination Report (DPD 243) and a Miranda Advisement (DPD 369).

203.03 FATAL AND SERIOUS BODILY INJURY ACCIDENTS

(1) GENERAL GUIDELINES:
The investigation of a fatal accident follows the same procedure as an ordinary traffic accident. Great care should be exercised in preserving all physical evidence. The incident commander will summon sufficient resources to block roadways and secure the scene with crime scene tape to protect evidence from contamination. Once all life-saving activities have been concluded at the scene of a fatal or serious bodily injury accident, the incident commander will focus primarily on the preservation of evidence and the safety of all officers investigating the accident. Upon an officer’s arrival at the scene of a fatal accident, or one in which confirmed serious injuries have occurred, the dispatcher will immediately be notified to contact the a Traffic Investigations Unit (TIU) investigating officer.

a. TIU personnel will contact the on-scene officer. Based upon the information obtained, the officer will be:
   1. Instructed to investigate the accident, or
   2. Requested to hold the scene until the victim’s condition is evaluated at the hospital and confirmed as serious bodily injury, or
   3. Requested to hold the scene. TIU personnel will respond to the scene and assume control of the accident.

b. The following are some of the criteria used by TIU personnel in determining when they will respond to a scene:
   1. Fatality involved
   2. Serious bodily injury (SBI) involved:
      If the injured party was transported for “possible” head/internal injuries, TIU personnel may request the on-scene officer confirm SBI from hospital personnel before they respond to the scene. SBI includes:
- An injury with a substantial risk of death, or
- A substantial risk of serious, permanent disfigurement, or
- A substantial risk of protracted loss or impairment of the function of any body part or organ of the body, or
- Severe lacerations, or
- Fractured or broken bones/cartilage (to include any and all breaks, fracture(s) and/or hard tissue injury such as, bone, teeth or cartilage)
- Distorted limbs, or
- Internal injuries, or
- Burns of the second or third degree

3. The victim is unconscious or unresponsive.
4. The age of the victim.
5. The medical history of the victim, if known

c. The on-scene officer may be instructed, at the discretion of a TIU supervisor, to handle the investigation and reporting of a serious bodily injury accident under the following circumstances:
   1. The collision involves only one moving vehicle, and
   2. The only seriously injured person is the operator of that vehicle, and
   3. No other persons were involved, and
   4. The injured person is not likely to die as a result of the collision (i.e. a single motorcycle rider hits a parked vehicle and breaks his/her ankle, wrist, finger, etc.)

(2) **TIU in Charge of Scene:**

At the scene of a traffic accident involving death or serious injury, the TIU detective or ranking officer from the TIU is in complete charge of the investigation, regardless of the rank of officers present from other divisions or sections. The incident commander will retain responsibility for scene security and will provide necessary assistance to TIU personnel upon request.

a. With any commercial motor vehicle (CMV) accident involving SBI or fatality occurring within the City and County of Denver, an on-duty DPD truck inspector assigned to the Highway/HazMat Unit at Traffic Operations, if available, will be called to the scene. At the direction of and in cooperation with TIU personnel, a safety inspection will be conducted on any CMV involved fatal or SBI accident. If no inspector is on-duty, TIU may determine that it is necessary to call one out through Denver 911.

b. TIU personnel will notify and confer with the on call deputy district attorney upon arrival at the scene of any fatal accident where charges are likely. TIU personnel will inform the Denver District Attorney’s Office of all other fatal accidents by email.

(3) **Witness Statements:**

All witnesses will be asked to provide a statement. Officers will positively identify all witnesses and request that they remain at the scene until TIU personnel arrive. Officers will direct witnesses to complete a handwritten statement. Upon arrival, detectives will triage all witness statements to determine which witnesses will be asked to make audio or video recorded statements. TIU personnel will coordinate with the incident commander to arrange for the transportation of any witnesses requiring video-recorded statements to the TIU office.

(4) **Medical Examiner and TIU Responsibilities - Fatalities and Serious Bodily Injury Accidents:**

a. If the victim has already been transported, the medical examiner will generally not respond to the scene of fatal vehicle accidents. In the absence of the medical examiner, responsibility for transport of any remaining body part or significant body tissue rests with the Traffic Investigations
UNIT. The Traffic Investigations Unit will ensure that significant body matter is taken to the pathology lab where the victim was transported. This procedure will also apply to any serious bodily injury accident where a body part or significant body tissue remains at the scene.

b. In cases where the medical examiner does respond to the scene, he or she is the immediate custodian of the body and personal property of deceased persons in the City and County of Denver. Officers will not search the body of a deceased person under any circumstances. The medical examiner will conduct such searches. The Denver Fire Department will be summoned to wash blood from the scene at the conclusion of the investigation.

(5) POST MORTEM EXAMINATIONS:
TIU personnel will attend the post mortem examination of all traffic fatalities where charges will be direct filed or where the case will be presented to the Denver District Attorney’s Office for a filing decision.

(6) FATAL AND SBI TRAFFIC COLLISIONS RELATED TO POLICE ACTIONS:
The commanding officer of the TIU will be notified immediately of all fatal and SBI traffic collisions that are a result of police action. The TIU commanding officer will respond to the scene and assume command of the investigation. If a Denver police officer initiated the police action, the TIU commanding officer will coordinate investigative activities with the Internal Affairs Division and the Denver Office of the Independent Monitor.

(7) EVIDENCE:
TIU personnel will ensure the evidence on the scene of all fatal and SBI accidents they investigate is thoroughly documented with measurements, digital photographs and friction testing that may be needed for future collision reconstruction. They will coordinate with the incident commander for assistance with collection, transportation and booking of evidence.

(8) COORDINATING RESPONSE:
Upon arrival at the scene of all fatal accident cases where charges are likely, TIU personnel will contact and confer with the on-call deputy district attorney. Upon arrival at all fatal and SBI accident cases where the victim is a minor, TIU personnel will contact and confer with the Missing and Exploited Persons Unit.

(9) ACCIDENT REPORT CODING:
To comply with the required notification of the Victims Assistance Unit, TIU personnel will ensure the accident report indicates the appropriate offense code for all fatal and SBI accidents before their end of shift.

(10) TIU REPORTING RESPONSIBILITIES:
TIU personnel assigned to a fatal accident investigation will ensure that the following reports are completed and routed to the appropriate agencies:

a. The State of Colorado Fatal Traffic Accident Supplemental report (DR 2447A), forwarded to the Colorado Department of Revenue upon completion of the investigation.

b. The Colorado Department of Transportation Fatal Accident Early Notification Report (Blotter), forwarded to CDOT FARS, CSP and DOR within 24 hours of being notified of a fatality regardless of whether or not the deceased has been positively identified.

203.04 HIT AND RUN ACCIDENT INVESTIGATION

(1) GENERAL GUIDELINES:

a. Victim at scene:
Officers will be dispatched to the scene of all hit and run collisions if the victim is present at that scene, whether the accident occurred on that date or not.

b. Victim not at scene:
If a victim calls to report a hit and run accident after the date of occurrence and is no longer at the scene, dispatch will direct them to go to a district station or to police headquarters to report the collision. It is preferable to direct the victim to the district station in the district where the accident occurred.

c. Potential Solvability Factors:
   1. Injury or death resulted from the accident
   2. The suspect driver can be identified
   3. Suspect vehicle information is obtained such as a full license plate number or a partial license plate in conjunction with a suspect vehicle description
   4. Evidence remains at the scene that can help identify the suspect vehicle such as a significant vehicle part in conjunction with a full or partial license plate number
   5. Clear video evidence is available that can identify the suspect or suspect vehicle
   6. A witness is identified that can identify the suspect or suspect vehicle

d. Reporting requirements – station officers:
   Officers working as station clerks will investigate and report all hit and run accidents reported to them by persons arriving at the station and will not direct them to return to the scene. At the discretion of the on-duty district commanding officer or command officer in charge of the Information Desk Unit, the clerk may summon an on-duty precinct officer to complete the report. If the reporting party has suspect information, or solvability factors are present, officers will complete a General Occurrence (GO) report to ensure the case is routed to the Traffic Investigations Unit for follow-up investigation. If no suspect information or solvability factors are present and the complainant is not demanding a report, officers are generally not required to complete a GO report and may direct the victim to complete a counter or online report.

Nothing in this policy precludes an officer from completing an Early Case Closure accident report as a customer service. As a courtesy, officers will make an accident report in all instances where this procedure would place an undue hardship on the citizen or the citizen insists that the officer complete one.

Officers conducting station investigations will:
   1. Inspect and document the damage to the victim’s vehicle, if present.
   2. Obtain a written statement from the victim.
   3. Generate a General Occurrence (GO) report, complete an accident report and traffic case summary when solvability factors are present. The accident will include a diagram depicting the most likely scenario of how the collision occurred.
   4. Take custody of any physical evidence that may be given them and coordinate with the Traffic Investigations Unit to determine if the evidence will be placed into the Property Management Section.
   5. Submit victim statement to the Records Unit for scanning along with any other paper documents.
   6. If it is determined that the victim (reporting party) was the proximate cause (at-fault driver) of the collision, issue a citation for the accident causing violation and any other applicable charges (i.e. no proof of insurance, expired license, no operator’s license, etc.).

e. Jurisdiction:
   If the reporting officer can testify that the location of the accident was clearly in the City and County of Denver, then visiting the scene post-crash is unnecessary. If the collision occurred in an area where jurisdiction is uncertain, an officer should transport the victim to the scene in order to determine the exact location where the accident occurred.
(2) **ON-SCENE INVESTIGATION:**

a. If possible, officers will immediately obtain and broadcast a description of the suspect vehicle and its occupant(s).

b. Officers will interview witnesses, concentrating on those who can identify the driver and vehicle, and who can relate the facts of the accident.

c. The scene will be examined for physical evidence.

d. The neighborhood will be canvassed for additional witnesses.

e. If a license plate number or vehicle description for the suspect vehicle is obtained, this information and the suspect vehicle listing should be documented on the Traffic Case Summary (available as an MRE template), but not on the accident report. In those cases where the driver has fled on foot and left the vehicle at the scene, the vehicle description will be completed in the appropriate spaces on the accident report.

f. Officers will make every reasonable effort to locate the suspect vehicle.

g. When the victim of a hit-and-run accident was responsible for causing the accident, the investigating officer will cite the at-fault driver, at the scene.

(3) **SUSPECT VEHICLES:**

Officers who observe or impound a vehicle which they suspect might have been involved in a hit-and-run accident will ascertain whether the vehicle is currently wanted or if it is associated with a General Occurrence in the RMS. If not wanted, a GO report titled, “Letter to Detective” describing the damage and any other pertinent information will be generated in the RMS with the vehicle being entered as an entity and the letter routed to the Traffic Investigations Unit.

(4) **PROTECTION OF EVIDENCE:**

Officers impounding vehicles for hit-and-run will write on the Impound/Recovered Vehicle Report (DPD 224), “Hold for TIU”. In fatal and SBI hit-and-run cases, suspect vehicles will often be towed to an evidence cage. An officer is required to follow any suspect vehicle being towed to an evidence cage to maintain chain-of-custody. Upon securing the vehicle in an evidence cage, the officer will complete an entry in the evidence cage log.

(5) **PROCESSING OF EVIDENCE:**

a. All evidence found at the scene of a hit-and-run accident will be properly marked and identified, then taken to the Property Management Section and processed according to the procedures established in OMS 106.03. Officers will contact an on-duty or on-call TIU personnel to coordinate the documentation/collection of any large pieces of evidence that are not normally accepted by the Property Management Section. The fact that evidence was placed in the Property Management Section will be noted in the traffic case summary.

b. In serious hit-and-run auto-pedestrian accidents, TIU will be notified. The victim's clothing will be retained and processed as evidence.

(6) **ARREST OF VIOLATOR:**

a. When suspected hit-and-run drivers are apprehended, they will be taken to TIU office prior to being charged or jailed. If TIU is closed, officers will contact the on call detective via phone to determine how the suspect will be processed. If TIU is unavailable, and it is during TIU’s normal operating hours, officers will contact on-duty TIU personnel via the radio or phone to determine how the suspect will be processed. Suspects who are transported to the TIU office will be placed in a holding cell. Prior to doing so, officers will completely search the suspect and place all personal property into the cabinet outside the holding cell. This includes belts, laced shoes, scarves, or anything that may be used by the prisoner to injure themselves or others. Officers will then enter the suspect's information and time of arrival in the holding cell log book located outside the holding cells. The detective will be notified of the suspect's location and demeanor.
b. The accident report will be completed and include the identity of the suspect driver and suspect vehicle description prior to submission for approval. A traffic case summary with details of the investigation and arrest will be completed and submitted within the General Occurrence report.

(7) **EARLY CASE CLOSURE – HIT-AND-RUN:**

a. The investigating officer will determine if there is sufficient information and evidence to file charges against an identifiable suspect. The investigating officer must first thoroughly check the accident scene and surrounding area, and contact neighbors for possible information. Investigative leads would include:

1. A victim, or witness (present or not present), has a complete license plate number of the suspect vehicle, or
2. A victim, or witness (present or not present), has a partial license plate number of the suspect vehicle and the make, style, and color of the suspect vehicle, or
3. The suspect driver is known to the victim and/or to any witness, or
4. When there are possible issues or leads that the reporting officer believes require further follow up investigation.

b. If the investigating officer determines there is insufficient evidence forthcoming to file charges, the officer will inform the complainant that the report will be filed without further action, unless evidence becomes available at a later date. The officer will give the complainant a Citizen Notification Card (DPD 233A), instructing the complainant to contact TIU in the event the complainant obtains additional information.

c. The officer will then complete an accident report, and after describing the accident, will write in the body of the report, “This report will be carried as closed unless additional information is obtained.” All sections on both pages of the accident report must be completed. On the accident report, the officer will enter “ECC” in the agency code field. The officer will not fill out a traffic case summary. The officer will then close the case in RMS and will not route it to TIU.

d. The report will be submitted in accordance with OMS 203.02.

(8) **MEDINA ALERT AND MEDINA NOTIFICATION PROCEDURES:**

a. Medina Alert

1. In 2014, the Medina Alert was signed into law in Colorado. It enables law enforcement agencies to have a hit-and-run suspect vehicle description broadcast on the Colorado Department of Transportation’s variable message boards. The law has detailed and specific requirements for the posting of this information.

2. TIU is solely authorized to issue and cancel a Medina Alert.

3. A Medina Alert will be issued in all applicable cases, unless the alert would jeopardize the investigation or apprehension of the suspect.

4. TIU personnel will only issue a Medina Alert if the following criteria are met:
   - A person killed or inflicted SBI upon a person during a motor vehicle accident and fled the scene, and
   - The complete license plate number of the suspect’s vehicle is known, or
   - A partial license plate number along with the suspect vehicle’s make, style and color is known, or
   - The identity of the suspect is known.

5. TIU personnel will issue a Medina Alert as soon as possible by contacting Denver 911 via radio or phone, providing the known information and describing the location of probable damage on the suspect’s vehicle.
6. If the suspect is apprehended or the suspect vehicle is recovered while the Media Alert is in effect, TIU personnel will contact Denver 911 via radio or phone and cancel the alert.

b. Medina Notification
1. A Medina Notification is a lower level alert used to report any suspect or suspect vehicle information to surrounding jurisdictions and the local media when the criteria for the Medina Alert are not met.
2. TIU is solely authorized to issue and cancel a Medina Notification.
3. TIU personnel will issue a Medina Notification only when a fatal or serious injury hit-and-run accident has occurred and limited information about the suspect's vehicle is known.
4. A Medina Notification will be issued in all applicable cases unless the notification would jeopardize the investigation or apprehension of the suspect.
5. TIU personnel will issue a Medina Notification as soon as possible by contacting Denver 911 via radio or phone, providing the known information and describing the location of probable damage on the suspect's vehicle.
6. If the suspect is apprehended or the suspect vehicle is recovered while the Media Notification is in effect, TIU personnel will contact Denver 911 via radio or phone and cancel the alert.

203.05 Freeway Accidents

(1) General Guidelines:
Officers should respond to the scene as soon possible. If an assigned officer is not close, he/she may request the dispatcher send another car that may be in the vicinity.

Operating in excess of the maximum speed limit is not advisable when responding to property damage accidents, particularly when the road is not obstructed. Code 10 driving may be warranted for accidents involving injuries, but freeway traffic congestion may reduce its effectiveness.

(2) Basic Management of the Scene:
The initial function of a police officer at the scene is to determine injuries, effect rescue, and to efficiently summon assistance as needed (fire department, paramedics, tow trucks, etc.). Give concise instructions for the best route to reach the scene if possible.

a. The most critical phase of accident investigation and response on the freeway is to minimize immediate hazards by the prompt removal of vehicles and other obstructions from the roadway.

b. If an accident is relatively minor and movable, the officer should note the point of impact (POI), if it can be accomplished safely, and cause the involved vehicles and other obstructions to be removed from the traveled portion of the roadway to a safe area as soon as possible. If these actions are accomplished by an officer who is not completing the report, he/she will inform the officer with reporting responsibility.

c. Officers may request a contract tow through the police dispatcher for any hazards on the freeway system.

d. Officers will reference all accident locations on freeways in accordance with procedures outlined in the State of Colorado Investigating Officer’s Traffic Accident Reporting Manual and the Versadex MDT reporting system.

e. In the event of a fatality, a body should not be removed from an accident on the freeway until the medical examiner has given consent, except under circumstances outlined in OMS 203.03(4).

(3) Accident Spills and Debris:
In the event of a gasoline or other flammable liquid spill on the highway, officers will request the fire department to cover the spill with dirt to reduce the hazardous condition. Motor oil and fuel oil spills
should be sanded, as flushing with water will not remove this hazard. Officers will direct the dispatcher to request assistance from the Colorado Department of Transportation (CDOT) with road clean-up efforts for these types of spills. CDOT personnel can also provide consultation and assistance with large clean-ups of other non-hazardous materials from the highway system.

- If more debris is spilled on the freeway than normal city facilities can handle, assistance will be requested from the Colorado Department of Transportation. Specify the type and amount of equipment needed.

(4) **Tow Services:**
Drivers of tow trucks, if their services are required, are responsible to promptly and satisfactorily clean the accident scene. Any tow operator who removes a wrecked vehicle from a freeway must clear all the debris.

(5) **Report Completion:**
Completing an accident report on the freeway will be done only if the scene has been made safe from further accidents. Vehicles and drivers should be moved to a safe area before a report is completed.

(6) **Lane Closures:**
Isolation of a lane of traffic or of the entire freeway should be resorted to only if immediate hazards warrant.

   a. Use extreme caution in slowing or stopping traffic.
   b. An accident scene must be contained as soon as possible, both for the benefit of those involved in the accident and for freeway users who may be approaching the scene.
   c. A police unit with all warning equipment on should be utilized at accident scenes, especially at night.
   d. Fuses in sufficient quantity should be utilized, particularly at night to alert approaching traffic of any hazard at the scene.
      1. Fuses should be employed, if possible, at a point well in advance of where traffic begins to form single lanes when approaching on accident scene.
      2. Highway cars usually carry a supply of fuses.

(7) **Accidents Involving Commercial Motor Vehicles:**
With accidents involving a commercial motor vehicle (CMV) occurring on the interstate system within Denver city limits, an on-duty DPD truck inspector assigned to the Traffic Operations Section Highway/Hazmat Unit, will be called to the scene (if available) to determine which level of inspection is appropriate, and will complete the required report (DPD 375).

**203.06 Counter Reports**

(1) **General Guidelines:**
A counter report is advisable if there has been a time delay in reporting.

   a. A counter report or online report may be made for any hit and run traffic accident where no solvability factors are present at the time of reporting.
   b. All officers and district station or Information Desk Unit clerks are to inform the citizen that NO further action will be undertaken when a counter or on-line report has been filed.
      - If a citizen files a counter report, or on-line report for a hit and run accident, then later discovers information that may lead to the identification of the hit and run driver, he/she should be advised to contact the Traffic Investigations Unit for a determination if an investigation will be initiated.
   c. These reports are to be identified by the words “Counter Report”, with the date and time marked
in the lower right portion of the accident report. The precinct number of occurrence will also be entered in the proper box.

d. Officers taking or assisting in completing counter reports will not sign the accident report form.

e. All counter reports will be stamped with the date and time the report was made. When a citizen takes the report from the station to complete, the officer will stamp the report with the date and the time the report was given to the citizen. This procedure is necessary to assist in hit and run investigations.

f. Counter reports are confidential and will not be released at a later date. Citizens should be advised to make a copy for their records when they make the report.

(2) **ONLINE REPORTING:**

Whenever a counter report for an automobile accident would be indicated or recommended it will be the policy of the police department to also offer the option of an online report. Online reports may be accessed at [http://www.denvergov.org/Police](http://www.denvergov.org/Police). Counter reports or online reporting will not be considered a substitute when the operations manual mandates or recommends a police response. Online reporting is strictly an option and not an alternative for those situations where citizens prefer to appear in person to complete a counter report. Officers will not discourage citizens from appearing at a police facility to complete an accident counter report.

### 203.07 ACCIDENTS INVOLVING POLICE EQUIPMENT AND PERSONNEL

#### (1) **GENERAL GUIDELINES:**

When a vehicle assigned to the Denver Police Department is involved in a traffic accident, the report will be classified as a “Police Equipment” accident report.

a. See OMS 112.01(7) regarding unintentional damage (to either vehicle) resulting from a police vehicle equipped with push bumpers, pushing another vehicle.

b. A traffic accident report will be made if any damage or injury results from a collision involving a disabled vehicle being pushed by a police unit equipped with push bumpers and a person or other object.

#### (2) **ALL ACCIDENTS INVOLVING POLICE EQUIPMENT WILL BE REPORTED AND INVESTIGATED:**

a. Officers involved in motor vehicle accidents while driving police equipment will remain at the scene or within close proximity until the arrival of investigating officers, unless exigent circumstances prevent compliance with this section. The vehicles involved in the accident will not be moved unless they present a safety hazard or there is an exigent reason.

b. A supervisor will respond to the scene to ensure proper investigation procedures are followed and required notifications are made. The involved officer’s supervisor will also respond, when practical.

c. The commanding officer of the Traffic Investigations Unit (TIU) will be notified of ALL police equipment accidents. The State of Colorado Traffic Accident Report, form (DR2447), and all accompanying reports will be routed to the commanding officer of TIU. See section (6).

d. District/division commanders (or their designee) will ensure that within three (3) business days of an accident involving a police vehicle, the vehicle is taken to the police garage for the completion of an inspection, outlining necessary repairs. This written repair/damage estimate including the estimated cost of repairs will be immediately forwarded by the police garage to the City and County of Denver’s Risk Management Bureau for insurance purposes.

#### (3) **ACCIDENT REPORTS INVOLVING POLICE EQUIPMENT WILL BE COMPLETE:**

a. Police equipment reports will contain vehicle unit numbers and license plate numbers.

b. The officer’s home address will be shown as the address of his/her assignment. Officer’s home
phone numbers will not be shown on the report.
c. The report will include the other driver’s insurance company and policy number when available
d. All police equipment accidents will have “DPD” entered in the agency code box on the accident report.

(4) **PLACING CHARGES / FOLLOW-UP INVESTIGATION:**
Traffic charges will be cited at the time of the initial investigation under the following circumstances:
a. The other driver is obviously in violation of the law. Charges are subject to the approval of the officer in charge of the investigation.
b. CS employees: See OMS 203.09(2)d.
c. Sworn personnel: OMS 203.08

(5) **FATAL OR SERIOUS BODILY INJURY ACCIDENTS:**
TIU will ensure the Denver District Attorney’s Office reviews all cases where an officer is involved in a fatal or serious bodily injury accident. Officers that are determined to be at fault in accidents involving serious bodily injury/death to any involved party, where the district attorney’s office determines criminal charges are warranted, will be issued a summons or criminally processed for the appropriate violation in coordination with TIU and the Internal Affairs Division. At the conclusion of the investigation, the case will be processed through the Conduct Review Division. The criminal case will be in addition to any discipline administered through the point assessment scheduled discipline procedure.  See OMS 203.08

(6) **TRAFFIC INVESTIGATIONS UNIT RESPONSE PROTOCOL:**
a. The Traffic Investigations Unit will respond to all police equipment accidents when:
   1. Any person involved in the accident (and as a result of the collision):
      • Dies or suffers serious bodily injury.
      • Is transported via ambulance to a hospital for any degree of injury.  **NOTE:** A mere complaint of injury is not sufficient enough to elicit TIU response.
   2. An involved police unit was being operated Code 10
   3. Requested by a supervisor or command officer
b. The Traffic Investigations Unit will not respond to the following police equipment accidents unless criteria in section a. are met:
   1. Auto – Fixed objects
   2. One car accidents
   3. Unexplained minor damage
   4. Traffic accidents involving other city agency vehicles
   5. Accidents occurring during a driver training exercise (within the area designated as a driver training facility)
      • A non-Traffic Accident Report will prepared and injuries will be reported on a Work Injury Report (ADM – 4).  These reports will be forwarded to the police garage.  **A Colorado Traffic Accident Report (DR 2447) will not be completed.**  Criteria for post accident testing in accordance with EO94 must be considered and testing completed if the criteria are met.
c. Once on-scene, Traffic Investigations Unit personnel are in complete charge of the investigation, regardless of the rank of officers present from other divisions or districts.  TIU personnel will advise the involved officer’s supervisor that the initial investigation indicates the officer may be at fault or is not at fault in accordance with procedures for post accident testing.
d. Traffic Investigations Unit personnel will process the scene in accordance with unit procedures, including measurements, photographs, statements, Serious Bodily Injury report (DPD 21), and
(7) **COMMAND OR SUPERVISORY RESPONSIBILITY:**
Command or supervisory personnel have the following responsibilities when responding to a police vehicle accident:

a. Determine if Traffic Investigations Unit response is required and make the appropriate notification. Supervisors will notify TIU when an airbag deploys in a police vehicle or when extenuating circumstances indicate photos and measurements should be taken.

b. If TIU response is not required, supervisors or command officers will ensure completion of the following:
   1. Supervision of the accident investigation and approval of the accident report. Determine if the criteria for Post Accident Testing (EO94) exists and if so, process the officer in accordance with EO94. See OMS 503.01(16).
   2. Determination of appropriate charges in accordance with paragraph (4) of this section.
   3. The Police Vehicle Accident Data Sheet in RMS, including the EO94 criteria box.
   4. Photographs of the damaged vehicles and/or property.
   5. Statements from all drivers and witnesses.
   6. The General Occurrence (GO) report will be left open for routing to the Traffic Investigation Unit.
   7. Direct other involved persons (not at-fault) to file a claim with the city at [https://www.denvergov.org/content/denvergov/en/city-attorneys-office/file-a-claim.html](https://www.denvergov.org/content/denvergov/en/city-attorneys-office/file-a-claim.html).

(8) **TRAFFIC ACCIDENTS OCCURRING OUTSIDE DENVER INVOLVING ON-DUTY OFFICERS:**

a. On-duty officers involved in traffic accidents outside the city limits, will notify the local law enforcement agency and request an investigation be completed for the incident. In addition, officers will notify Denver 911 as soon as possible. This applies whether the vehicle is the property of the city, state, federal government, privately owned, rented or leased, provided that the vehicle is being used by the officer while on-duty in an official capacity.

b. Discretionary authority to send Traffic Investigations Unit detectives to the scene of a police equipment accident outside the city limits lies with a supervisor or commanding officer of the Traffic Investigations Unit.

c. Officers will report the accident to their supervisory or command officers as soon as possible. In the event Traffic Investigations Unit detectives did not respond to the accident scene, the supervisory or command officer will notify TIU of the accident.

d. It will be the responsibility of the Traffic Investigations Unit detectives to request copies of all necessary reports from the law enforcement agency investigating the incident.

(9) **ACCIDENTS OCCURRING IN DENVER INVOLVING OUTSIDE POLICE AGENCIES:**

a. When outside police agency vehicles and personnel are involved in traffic accidents while on emergency runs within the City and County of Denver, the Traffic Investigations Unit will be notified and respond for photographs and follow up investigation.

   If a driver of a non police vehicle is obviously in violation of the law, charges will be placed at the scene, subject to approval of the Traffic Investigations Unit detective. In all other cases, the report will presented to the Denver City Attorney’s Office by the Traffic Investigations Unit detective for determination of appropriate charges.

b. When the outside police agency’s vehicle was NOT on an emergency run, the investigation and report will be completed by responding uniformed officers. Traffic Investigations Unit detectives will not respond to the scene unless assistance is requested. If a driver of a non police vehicle is obviously in violation of the law, charges will be placed at the scene. All other reports will be
marked “INC” in the agency code box and routed to the Traffic Investigations Unit. Traffic Investigations Unit detectives will then present the reports to the Denver City Attorney’s Office for determination of appropriate charges.

(10) **Off-Duty Denver Police Officer Driving a Private Vehicle in Denver:**
When an off-duty Denver Police officer, driving his/her private vehicle is involved in a traffic accident occurring within the city limits, and the State’s minimum damage criteria is met, and at least one of the criteria in OMS 203.02(1) is present, the officer will notify Denver 911 and request that an on-duty officer be sent to the scene to investigate the accident. The investigating officer will also notify a supervisor who will respond to the scene and ensure a thorough investigation. If appropriate, charges will be placed against one or more involved drivers.

(11) **Financial Responsibility - Insurance:**
The Colorado Division of Motor Vehicles (DMV) requires municipalities and other governmental entities to certify financial responsibility.
   a. Insurance coverage will be shown in the insurance information blocks on the Traffic Accident Report (DR2447). Enter: “A Government Vehicle, self insured municipality”. This is a mandatory entry on all accident reports involving police equipment.
   b. In the event insurance information is omitted from the traffic accident report, the officer involved or their supervisor will be required to complete a DR2301.
      1. The State of Colorado Report of Motor Vehicle Accident (DR2301) is mostly self explanatory and requests much of the same information that is on the Traffic Accident Report (DR2447).
      2. In section #1, entitled: Your Information, complete all blocks in their entirety. The officer’s assignment address is acceptable. In the block for the owner’s name, enter: “City and County of Denver,” 201 W Colfax, Dept 1010, Denver, Colorado, 80202.
      3. In the block below section #1, next to: self insured, enter: “City and County of Denver”.
      4. In the Insurance section, complete the name of the policy holder as: “Government Vehicle owned by the City and County of Denver, a self insured municipality”
   c. Complete the other person’s and/or the property owner information, whichever applies.
   d. Failure to comply with this section will generate a warning letter from the DMV to the officer listed on the accident report as the driver. This warning letter must not be ignored.
   e. If a warning letter is received, answer the questions asked and return the letter to the DMV. In response to the question concerning the insurance carrier, enter: “Government Vehicle owned by the City and County of Denver, a self–insured municipality” see C.R.S. §42-7-302. Disregard policy numbers and effective dates.
   f. Failure to comply with these reporting requirements may ultimately cause a suspension of the officer’s driver’s license.

(12) **Crash Data Retrieval Tool (CDR):**
Traffic Investigations Unit detectives will collect information stored in the sensing and diagnostic module (SDM) using the crash data retrieval tool (CDR) in equipped police vehicles when the accident involves any of the following:
   a. May have been the fault of the employee and the accident involves a fatality.
   b. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident.
   c. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or equipment; (Note: “disabling damage” for a vehicle accident is defined as precluding the departure of the vehicle from the scene of an accident in its usual
manner).

d. The investigating officer suspects the involved officer has violated any department policy related to driving or operating the police vehicle, including any suspected violation of traffic laws.

e. The airbag in the police vehicle was deployed.

f. A current list of CDR equipped vehicles will be maintained in the Traffic Investigations Unit. If the police equipment is on the list, detectives who are trained in the operation of CDR will respond to the scene and collect the stored information. If a trained detective is not available or it cannot be determined if the police vehicle is on the CDR list, the police vehicle will be towed to the car pound and the data will be recovered as soon as it is practical.

g. In order to prevent unnecessary inconvenience to citizens, any non-police vehicle involved will be subject to CDR download only when the criteria of (12) a, b, or c of this section are met. If the investigating officer determines that the citizen is at fault under those same conditions, the vehicle will be impounded and a warrant will be secured.

h. In order to best preserve information that is written to the SDM, certain procedures must be followed.

1. The vehicle ignition switch will be turned to the off position before it is loaded onto a tow truck, which will prevent contamination of the preserved information. This step will be completed just prior to towing. Do not alter the condition of the ignition switch until after investigating officers have inspected the vehicle. In cases where the vehicle is drivable, do not allow the tow driver to start or drive the vehicle to facilitate the tow. The ignition key should accompany the vehicle to the car pound.

2. Factory certified investigating officers will download the information from the SDM and complete a written report of their findings. This report will be included with the case information that is forwarded to the commanding officer of the Traffic Investigations Unit.

203.08 Accident Review / Pursuit Review

(1) General Guidelines:
All police vehicle accidents, pursuits, and incidents of eluding will be reviewed by the Conduct Review Division according to the procedures established in this section.

(2) Accident Review Procedures:

a. Responsibilities of the Traffic Investigations Unit commanding officer (TIU):

1. Compile a case file containing all reports, statements and other documents relating to the accident, including Police Vehicle Data Sheet (DPD299), and Post Accident Drug and Alcohol Testing (DPD 667), if EO94 criteria box is checked “yes” on data sheet. If a review of the Accident Data Sheet (DPD 299), indicates the criteria for post accident testing may have existed, but no test was completed, the accident review will include the request for EO94 procedures.

2. Maintain a case numbering and database record system for police fleet accidents. Review the database quarterly and prepare a quarterly report for the Chief of Police to include; accident violations, accident patterns, suggestions for training and other information as requested.

3. Ensure that all documents, statements and reports are identified with the case number assigned to that accident.
4. Transmit a copy of the complete case file to the Conduct Review Division.
5. Maintain a filing system for the original accident case file.
6. Maintain a case tracking system utilizing the accident case number.
7. Maintain the officer’s driver history file and update officer’s driving record.
8. Upon receipt of a case, TIU will log the case in and send the case to the Conduct Review Division for review and appropriate action. The case file will include a copy of the officer’s driver history record.
9. TIU personnel will monitor the progress of each accident case and ensure its timely completion. This will include entering the final court adjudication on the officer’s driving history of any citation issued.

b. Responsibilities of the Internal Affairs Division Commander (IAD):
1. IAD will process EO94 cases in accordance with standard IAD complaint procedures.
2. Based on recommendations from the Conduct Review Division and a Chief’s Order, IAD personnel will schedule officers for remedial driver training in the next available class administered by the police academy (accounting for vacations, injuries, etc.).
3. IAD will immediately notify the police academy of the remedial driving course date that an officer is assigned.

c. Police Academy Responsibilities:
1. Create a class for remedial driving, scheduled every other month. Scheduled officers will sign the roster when they attend. In-service training credit will be earned, and remedial driving training will apply to annual mandatory training. If an officer fails to attend, police academy personnel will notify IAD.
   - Remedial driving training (defensive driving course or an emergency driving and maneuvering course) is generally provided by police academy personnel, though in rare instances an outside entity may be contracted to provide designated instruction.
2. After the training is complete, send a letter to IAD indicating that the training was completed. If an officer fails to appear on the scheduled date of training, IAD will be notified. If an officer fails to respond to training, the commanding officer (or designee) of the police academy will notify the Internal Affairs Division.
3. Maintain training records of remedial driving classes indicating who provided the training and what the training consisted of.

d. Responsibilities of the Conduct Review Division:
1. The Conduct Review Division will, after thoroughly reviewing a case file, classify the accident as preventable or not preventable.
   - Preventable: Accident was principally caused by driving actions in violation of traffic laws and/or department policy or contributed to by poor defensive driving practices.
   - Non-preventable: Unavoidable accident, proper defensive techniques were practiced.
2. Non-Preventable:
   - If an accident has been found to be non preventable, the Conduct Review Division will forward the completed Police Vehicle Data Sheet (DPD 299) to the involved officer, the officer’s commander and the Traffic Investigations Unit.
3. Preventable:
   - If an accident is found to be preventable, the Conduct Review Division will take into consideration the severity of the accident (severity of injuries and damage) when assessing preventable points. The Conduct Review Division will then determine the primary cause of
the accident. When review of an accident is complete, the Conduct Review Division will report its findings on the Police Vehicle Accident Data Sheet (DPD 299).

4. Accident Classification:
   - Non Preventable – 0 points
   - Preventable – 0 to 5 points, in addition to any points assessed for the primary cause, taking into consideration mitigating and/or aggravating circumstances surrounding the accident. There will be no preventable points assessed if an officer received a citation for the accident. Only primary cause points will be assessed.
     
     **EXAMPLE:**
     - Reckless Driving - 8 points
     - Careless Driving - 4 points
     - Unlawful Backing, etc. - 2 points

5. Primary Cause:
   - Violation of department emergency driving policy - 6 points. See OMS 112.02
   - Traffic violations will be assessed the number of points consistent with the penalty point schedule in state statute and used by the Colorado State Motor Vehicle Division to assess points against a driving record.

6. Disciplinary Process - Preventable:
   - Proceed in accordance with provisions contained in OMS 503.01, except those which by their very nature may have no application.
   - Apply the points assigned in the current accident case to points accumulated (if any) by the officer over the previous two-year period (24 months).
   - Determine discipline outcome based on accident point classification:
     - **1-4 points:** Oral reprimand
     - **5-9 points:** Written reprimand
     - **10-15 points:** A fine of one (1) to five (5) days
     - **16-20 points:** Suspension from three (3) to ten (10) days without pay and remedial driver’s training
     - **21 or more points:** Suspension for a minimum of five days without pay or more stringent action as appropriate and remedial driving training
   - Assign an IAD case number.
   - Process the accident in accordance with standard IAD complaint procedures.
   - Send a copy of the completed Police Vehicle Data Sheet (DPD 299) to the Traffic Investigations Unit to update the police fleet accident data file.

7. Officers, who have been involved in two (2) or more preventable accidents within the previous two-year period (24 months), will be required to attend remedial driving training. However, the Conduct Review Division or the officer’s commander may, at any time, recommend remedial driver’s training in addition to any other disciplinary recommendation prescribed.

8. Accidents involving career service employees will be reviewed in the same manner as civil service employees. Accidents found to be preventable will be processed according to Denver Career Service rules and regulations.

(3) **PURSUIT / ELUDING REVIEW PROCEDURES:**
   a. All pursuits and eluding incidents will be subject to a review process conducted by the Conduct Review Division.
b. The process will be initiated when the pursuit manager completes a Vehicular Pursuit Report (DPD 453), or the officer completes an Eluding, No Pursuit Report. The original copy of either report, any pertinent statements, and copies of any other related reports will be routed to the commanding officer of the Traffic Investigations Unit.

c. Responsibilities of the Traffic Investigations Unit (TIU) commanding officer:
   1. Compile a case file that will include a copy of radio recordings for all pursuits. A copy of the case file will be forwarded to the Conduct Review Division.
   2. Assign a sequential pursuit case number to each case and track all appropriate statistics concerning police pursuits.
   3. All original documents will be maintained by TIU.

d. Responsibilities of the Conduct Review Division:
   1. Review the pursuit or eluding case file documents including the tape recorded radio transmission of the pursuit.
   2. At the completion of the Conduct Review Division review, the report will conclude with classification into one of the following:
      • IN POLICY - The pursuit was conducted in compliance with department policies and procedures.
      • POTENTIAL VIOLATION FOUND - A possible violation of department policy or procedure has been detected by the division/district commander.

e. Cases that are found to be IN POLICY by the Conduct Review Division will be returned to the Traffic Investigations Unit, where the case will be closed out.

f. In cases where the Conduct Review Division finds a POTENTIAL VIOLATION, the following procedures will apply:
   1. The Conduct Review Division will contact the Internal Affairs Division so the IAD can assign an IAD complaint log number to the case.
   2. In cases where the information in the case file is complete, the Conduct Review Division will process the case per standard procedure and make a finding.
   3. In cases where further investigation is necessary, the file will be forwarded to the Internal Affairs Division to allow such investigation to be conducted.
   4. At the conclusion of the investigation, the IAD will return the case to the Conduct Review Division and findings will be determined.

(4) CHIEF OF POLICE / EXECUTIVE DIRECTOR OF SAFETY AUTHORITY:
The Chief of Police has departmental authority and responsibility for initiating disciplinary and corrective action exceeding a written reprimand; subject to review, approval, or revision by the Executive Director of Safety. See Sections 9.4.14 and 9.4.15 of the Denver City Charter.

203.09 ACCIDENTS INVOLVING FIRE EQUIPMENT, AMBULANCES AND OTHER CITY VEHICLES

(1) LIMITATIONS ON TIU RESPONSE:
Traffic Investigations Unit detectives will not respond to minor injury or property damage only accidents involving Denver Fire Department equipment, Denver Health Medical Center ambulances, Denver parking control vehicles, Denver Sheriff Department vehicles, district attorney vehicles, Denver County Court Marshal vehicles, or Denver Public Works vehicles involved in snow removal, street maintenance or signal light repair, unless requested by a supervisory officer at the scene. Traffic Investigations Unit detectives will respond and assist the investigating officer with measurements and photographs, if necessary, and will only assume responsibility for the investigation if it is determined to meet the criteria specified in OMS 203.03(1).
DENVER OWNED VEHICLES:

Accidents involving city owned vehicles will be handled in accordance with OMS 203.00, subject to the following conditions:

a. If a driver of a privately owned vehicle is involved in an accident with a city owned vehicle and is at fault, appropriate charges will be placed by the investigating officer at the time of the report.

b. Traffic Investigations Unit detectives will respond to all accidents involving any Denver Fire Department vehicle, Denver Health Medical Center ambulance, or any private ambulance, or Denver Public Schools Department of Safety vehicle, using emergency equipment, except in the following situations:
   - Auto-Fixed Objects.
   - One-car Accidents.
   - Unexplained minor damage.

c. If a Denver fire fighter operating a Denver Fire Department vehicle is involved in a minor injury or property damage only accident (including damage to another vehicle), and the firefighter is at fault or is the cause of the accident, an accident report will be made. The investigating officer will enter 04 in the Agency Code box and enter “Charges Pending” in the “Primary Violation” box. The investigating officer is not required to complete a Traffic Case Summary in this instance but will indicate in the narrative section that the accident involved a Denver Fire Department vehicle. The report will be submitted in the RMS for approval.

d. In all cases when the driver of any other city owned vehicle is at fault or is the cause of an accident, the investigating officer will enter 06 in the Agency Code box, and will enter “Charges Pending” in the “Primary Violation” box. The investigating officer is not required to complete a Traffic Case Summary in this instance. The report will be submitted in the RMS for approval. Traffic Investigations Unit detectives will present the case to the city attorney’s office for determination of appropriate charges.

e. When any city owned vehicle is identified as the suspect vehicle in a hit and run accident, the reporting officer will notify TIU immediately. The commanding officer of the Traffic Investigations Unit or his designee will determine if detectives will respond to assist with the investigation. In all instances where Traffic Investigations Unit detectives do not respond, the completed accident report and traffic case summary will be routed to TIU for processing.
   - When the suspect vehicle belongs to the Denver Police Department, the commanding officer of the Traffic Investigations Unit (or designee) will notify IAD as soon as practical.

f. Also see OMS 203.02(1)

203.10 NON-Traffic Fatal and Serious Bodily Injury Accidents

(1) TRAFFIC INVESTIGATION Unit RESPONSIBILITIES:

The Traffic Investigations Unit is responsible for investigating all fatal and serious bodily injury non-criminal and non traffic accidents resulting from the movement of any wheeled device, not considered a motor vehicle, designed for the transport or movement of persons or property, occurring on or off the roadway.

(2) INCIDENT AND VEHICLE TYPES:

This procedure relates primarily to any railway accident, construction/workplace accidents (indoors or outdoors) and single bicycle accidents (on or off the roadway). This procedure generally does not apply to accidents resulting from skateboards, rollerblades, toy cars, etc. An example of a wheeled device includes, but is not limited to:

- Trains, heavy commuter rail, light commuter rail and trolleys
- Bicycles, low-powered scooters, Segways and golf-carts
- Construction vehicles, forklifts and farm tractors
- Animal-drawn carriages

(3) **Investigative Procedures and Coordination with OSHA:**

Officers and TIU personnel investigating non-traffic fatal or serious bodily injury accidents fitting the above criteria will follow the procedures established in OMS 203.03.

- TIU personnel will notify the United States Department of Labor Occupational Safety and Health Administration (OSHA) of all non-traffic accidents that occur in a construction zone or are related to the workplace. TIU personnel will coordinate with OSHA when conducting parallel investigations, or will supply OSHA with all investigative documentation.
204.01 VEHICLE PURSUITS

(1) POLICY:

a. The policy of the Denver Police Department is to balance the need for immediate apprehension of a suspect with the need to protect the public from danger caused by the pursuit. All officers are reminded that their basic responsibility is to protect the public. When the danger of a pursuit exceeds the value of an immediate apprehension, public safety will be paramount.

b. A police vehicle pursuit may be engaged when an officer has probable cause to believe that a crime, as described by Colorado Revised Statutes, has been committed and has reasonable suspicion to believe the person being pursued committed that crime.

c. Justification for engaging in a police vehicle pursuit must be limited to the facts known by the officer at the time a decision is made to engage in such pursuit. Information not established as fact at the time the pursuit is engaged, no matter how compelling, cannot be considered later, in determining whether the pursuit was justified. Officers are authorized to engage in police vehicle pursuits only in the following circumstances:

1. **Compelling need:**
   
   When a suspect's actions while operating a motor vehicle, prior to an attempt to stop him or her, involve such flagrant and dangerous behavior as to create a compelling need to attempt to stop the violator.
   
   a. A compelling need is established when facts or circumstances are clear and convincing that a suspect's actions are so dangerous that they present an imminent threat of serious bodily injury or death.
   
   b. A compelling need does not include the following:

   - The mere act of fleeing, no matter how recklessly.
   - Traffic infractions and licensing violations.
   - DUI, careless driving, and hit & run not resulting in serious bodily injury or death.
   - Property crimes including auto theft and joyriding
   - Attempted vehicular assault
   - Any crime that does not meet the conditions of section 2. below

2. **Felony involving use, or threatened use of a deadly weapon, or a violent felony against a person:**
   
   To effect the arrest or to prevent the escape of a person whom the officer reasonably believes has committed or is committing a felony involving the use, or threatened use of a deadly weapon, or a violent felony against a person.

   Prohibited pursuits:
   
   a. Officers are prohibited from engaging in police vehicle pursuits in the following circumstances:

   1. When the pursuit is in a direction opposite to the flow of traffic on a divided roadway, unless authorized by the managing supervisor or a superior officer.
   
   2. When a passenger in the police vehicle is not an officer or academy
recruit, unless a signed waiver of liability (Authorization to Ride in Denver Police Car – DPD 8) has been completed before the ride along.

3. When the police vehicle contains an arrestee or other citizen not covered under the above paragraph.

4. When the officer is not the primary or secondary pursuit vehicle, unless authorized by the managing pursuit supervisor or a superior officer.

5. In violation of any other provisions of this policy and procedure.

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

(2) **DEFINITIONS:**

**Boxing In:** Surrounding a violator's moving vehicle with moving pursuit vehicles, which are then slowed to stop along with the violator's vehicle.

**Code 9:** The response to a call for service or incident without using emergency lights and siren. The violation of any traffic laws during Code 9 driving is not authorized.

**Deflation Device:** Used to deflate the tires of a vehicle being driven by a suspect who is attempting to elude law enforcement authorities.

**Emergency Operation (Code 10):** The act of driving a marked or unmarked police vehicle with the emergency lights and siren in operation while in pursuit of a suspect in accordance with the Colorado Uniform Motor Vehicle Law or applicable municipal ordinance.

**Forced-Stop Methods:** The methods and tactics used to physically terminate a pursuit, including boxing in, heading off, ramming, P.I.T. Maneuver, deflation device, and roadblocks.

**Heading Off:** An attempt to terminate a pursuit by pulling ahead, alongside, and towards a violator's moving vehicle to force it to the side of the road or to come to a stop. This does not involve contact between the vehicles.

**Managing Supervisor:** The police supervisor (or higher-ranking officer) who manages a pursuit by providing direction and control via police radio. Managing supervisors are empowered to terminate or cancel a pursuit and specify the tactics to be used. The managing supervisor cannot be the primary or secondary vehicle in a pursuit. The managing supervisor has the authority to cancel a pursuit regardless of the rank of the involved officer(s).

**Marked Unit:** A fully marked (standard) patrol car with operable lights and siren. A marked unit is the most suitable vehicle to conduct a pursuit.

**Originating Jurisdiction:** The jurisdiction in which a pursuit originates.

**P.I.T. Maneuver:** Intentional contact between the front quarter panel of a moving police vehicle and the rear quarter panel of a moving suspect vehicle. The intention is to cause a suspect vehicle to spin away from its forward direction, thus terminating a pursuit.

**Potentially Deadly Force:** In terms of police vehicle pursuits, means force that the natural and probable consequence of which is death or serious bodily injury.

**Primary Vehicle:** The police vehicle driven by the officer initiating a pursuit or another police vehicle that takes the lead vehicle position.

**Probable Cause - Arrest by a Peace Officer:** [CRS §16-3-102] “A police officer may arrest a person when:

a. He has a warrant commanding that such person be arrested; or

b. Any crime has been or is being committed by such person in his presence; or

c. He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested.”
Pursuit: An active attempt by an officer operating a police vehicle (lights and siren = Code 10) to apprehend the operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction, and either increases the vehicle’s speed, extinguishes the vehicle's lights, or makes some other overt action designed to avoid apprehension. Following a vehicle, whether accomplished with or without emergency lights on and siren sounding, whose driver is attempting to elude, either by increasing the vehicle's speed, or making some other overt action designed to avoid apprehension will also be considered a pursuit.

Ramming: The deliberate act of impacting a suspect's vehicle with another vehicle to attempt to force the suspect's vehicle to stop.

Reasonable Suspicion: [CRS §16-3-103 (1)] “A peace officer may stop any person who he reasonably suspects is committing, has committed, or is about to commit a crime and may require him to give his name and address, identification if available, and an explanation of his actions…. The stopping shall not constitute an arrest.”

Roadblock: A restriction or obstruction used to affect the apprehension of a violator by preventing the free passage of motor vehicles.

Secondary Vehicle: A police vehicle which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup.

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

StarChase System: A compressed-air launcher mounted to the grill of a department vehicle that deploys a GPS monitoring device that adheres to a suspect vehicle with an industrial-strength adhesive compound. See OMS 119.07 for system requirements, including the deployment, monitoring, reporting and safety considerations.

Supervisor: A Denver Police officer of the rank of sergeant, or in the absence of a sergeant or higher-ranking officer, the highest-ranking officer available.

Terminate a Pursuit: Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers will not continue to follow the suspect vehicle, nor may they violate any traffic laws or regulations to catch up to, or parallel the suspect vehicle, unless authorized by the managing supervisor. Officers will make every effort to present an appearance to the suspect(s) that the police are no longer pursuing or following.

Unmarked or Special Purpose Vehicle: An unmarked vehicle equipped with emergency lights and siren, or special purpose vehicles (e.g., motorcycles, etc.) will relinquish the primary position in a pursuit when a standard fully marked and equipped patrol car is in a position to become the primary unit. An exception may be made if the special purpose vehicle is the safest unit for the pursuit or when authorized by a supervisor.

Vehicular Eluding (Misdemeanor): [CRS §42-4-1413] Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases his or her speed or extinguishes his or her lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a class 2 misdemeanor traffic offense.

Vehicular Eluding (Felony): [CRS §18-9-116.5] Any person who, while operating a motor vehicle, knowingly eludes or attempts to elude a peace officer also operating a motor vehicle, and who knows or reasonably should know that he or she is being pursued by said peace officer, and who operates his or her vehicle in a reckless manner, commits vehicular eluding. Vehicular eluding is a class 5 felony; except
that vehicular eluding that results in bodily injury to another person is a class 4 felony and vehicular eluding that results in death to another person is a class 3 felony.

(3) PROCEDURES:

a. Initiating Officer: The following factors will be considered before initiating a vehicle pursuit:
   1. Denver Police Department policy;
   2. Degree of risk created by pursuit;
   3. Seriousness of the suspected crime;
   4. Whether the identity of the violator is known to the point that later apprehension is possible;
   5. Volume, type, speed, direction of vehicular traffic, and direction of pursuit;
   6. Nature of the area (i.e., residential, commercial, school zone, open highway, etc.);
   7. Population density and volume of pedestrian traffic;
   8. Environmental factors such as weather and time of day;
   9. Road conditions (i.e., ice, construction, poor repair, etc.).

b. Officers will turn on their body worn camera immediately upon active involvement in a pursuit, or if not actively involved, when assisting at its point of termination, perimeters, foot searches, and physical apprehensions.

c. Complying with orders:
   1. All officers will obey the orders of supervisors and the dispatcher. If the dispatcher, managing supervisor, or any superior officer orders the termination of a pursuit, all officers directly or indirectly involved will immediately stop all attempts to pursue. The managing supervisor or superior officer will have the final authority in managing a pursuit. Dispatchers are not authorized to counter the orders or directions of the managing supervisor or superior officer.

   2. When ordered to terminate a pursuit, unless directed otherwise by the managing supervisor or superior officer, all involved officers will turn off their emergency equipment and proceed to a location designated by the managing supervisor or superior officer. Officers will not continue to follow the suspect vehicle. Failure to comply with this section will be deemed a violation of the pursuit policy.

d. Police vehicle operation - primary and secondary vehicles:
   1. Vehicles not equipped with operable lights AND siren will not become involved in vehicle pursuits.

   2. Emergency lights AND siren will be activated and will remain activated during a pursuit. This applies only to the primary and secondary vehicles, or other units authorized by the managing supervisor or superior officer.

   3. Officers initiating a pursuit will immediately notify the dispatcher of their location, reason for the pursuit, direction of travel, estimated speed of the suspect, and any other relevant actions by the suspect vehicle. Officers will also provide the license plate number, vehicle description, number of occupants, traffic conditions, and any other pertinent information. All radio transmissions will begin with the officer's car number.

   4. When possible, officers intending to stop a vehicle will attempt to be as close as practical to the suspect's vehicle before activating emergency equipment and attempting the stop. The suspect's temptation to flee may be greater in those instances where it appears they have a head start. Before attempting a vehicle stop when a driver is likely to flee (e.g., known stolen cars or wanted subjects) the primary unit will attempt to avoid a pursuit by coordinating the response of assisting officers. For example, an apprehension at a
5. The primary vehicle is the lead police unit. The secondary vehicle’s function is to assist the primary vehicle during the pursuit and at the point of termination. The secondary vehicle will be prepared to assume the role of the primary vehicle if needed.

6. An unmarked or special purpose vehicle will relinquish its position if a standard fully marked unit is in place to assume the primary or secondary position.

7. An initiating unit that relinquishes the primary position to another vehicle may become the secondary vehicle.

8. Any unit that is no longer the primary or secondary vehicle will discontinue pursuit and Code 10 driving unless directed by a supervisor or articulable immediate emergency assistance is needed.

9. The secondary vehicle will not overtake the primary vehicle unless specifically requested to do so and will drive single file behind the primary vehicle, maintaining a safe distance, sufficient to avoid colliding with or interfering with the primary vehicle. The secondary vehicle may block an adjoining lane to prevent interference with the pursuit by other vehicle(s) traveling in the same direction.

10. The secondary vehicle may broadcast the pursuit if requested by the primary vehicle or if ordered by the dispatcher, managing supervisor, or superior officer.

11. Officers will give updated information concerning direction of travel, speed, unusual actions, etc. Radio transmissions will be kept as short as possible, allowing the dispatcher, supervisory personnel, and assisting units to air information.

12. If not already involved as a primary or secondary vehicle, a patrol vehicle equipped with StarChase is authorized to join a pursuit for potential use of this device only when approved by the managing supervisor. Unless directed otherwise, the StarChase equipped vehicle will join the pursuit as the secondary vehicle and will only assume the primary position once cleared and authorized by the primary vehicle. The StarChase equipped vehicle will continually assess the safety considerations of this device and will not unnecessarily assume the primary position if not intending to deploy this device. The StarChase equipped vehicle will adhere to the StarChase Vehicle Pursuit Management System policy (OMS 119.07) prior to the deployment.

13. The decision to pursue is not irreversible. Based on the facts known at the time, officers will continually evaluate whether the risk of danger to officers and the public resulting from a continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of a suspect.

14. The primary vehicle may cancel their own pursuit and other officers, including the secondary unit, may not continue or reinitiate the pursuit without the authorization of the managing supervisor or superior officer.

15. Should the pursuit cross district boundaries, any officer, supervisor, or command officer with relevant information will notify the dispatcher of any special conditions or hazards along the projected route.

16. Should a pursuit cross the Denver City and County boundary, only the primary and secondary vehicles (along with any other units authorized by the managing supervisor / command officer) are authorized to continue actively participating in the vehicle pursuit. The managing supervisor may assign additional cover units (responding Code 9) depending upon the severity of the offense, number of occupants, the likelihood of armed suspects, or other relevant factors and those units may continue to serve this function outside the City and County of Denver.

17. If a reserve officer is involved in a pursuit, he/she will immediately relinquish his/her role...
as the primary vehicle and assume the role of the secondary vehicle (assuming there was none) or relinquish their participation entirely as soon as another vehicle operated by a full-time Denver Police officer is available.

e. Covering officers:
   1. All officers in the path of a pursuit will remain alert to its progress and location and will actively assist with traffic control along the route of the pursuit to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, foot pursuit, etc.
   2. Unless otherwise authorized by the managing supervisor or a superior officer, covering officers will respond Code 9. Covering officers are not authorized to violate any traffic laws or regulations to catch up to or parallel a pursuit unless ordered to do so by the managing supervisor or superior officer at the time of the pursuit.

f. Dispatcher's Responsibilities:
   1. Immediately upon being notified of a pursuit, the dispatcher will clear the channel by activating the alert tone, obtain the necessary information from the pursuing officer, and attempt to contact the supervisor of the involved officer.
   2. If the officer's supervisor cannot be contacted, the dispatcher will attempt to contact any supervisor from the district in which the pursuit is occurring. Once contacted, this supervisor or command officer will be the managing supervisor for the duration of the pursuit unless relieved by a superior officer.
   3. For the purposes of this section, any Denver 911 dispatcher will be considered a supervisor and will cancel a pursuit if a sworn police supervisor or command officer cannot be contacted within thirty (30) seconds. Dispatchers may not countermand the orders of a sworn police supervisor or command officer.
   4. The dispatcher will immediately determine if air support is readily available, dispatch it to the scene, and notify the managing supervisor of the availability of air support.
   5. Dispatchers will immediately request a clearance and listing of the suspect vehicle license number and advise the managing supervisor when the information is available.
   6. When it appears that a pursuit is approaching another district or jurisdiction, the dispatcher will establish radio communications with that district or jurisdiction.
   7. The dispatcher will keep the radio channel clear, allowing transmissions only from the primary or secondary units, the managing supervisor or superior officers, and officers responding to their orders and directions. The dispatcher will continue to monitor the pursuit and relay information when requested. To keep the air clear, dispatchers will not repeat the pursuing unit's radio transmissions unless they are unclear.
   8. Radio transmissions by other units are prohibited unless of an emergency nature. Upon the termination or discontinuance of a pursuit, the dispatcher will sound the alert tone and advise all officers and jurisdictions involved.
   9. If an accident occurs as a direct or indirect result of a pursuit, an officer will be assigned to make a report and the Traffic Investigations Unit will be notified. Denver 911 personnel will make all necessary notifications.
  10. If an accident involving death or injury, or may result in death, occurs as a direct or indirect result of a pursuit, the commanding officer of the Traffic Investigations Unit (or designee) will be notified to respond. The commander of any involved officers will also be notified.

g. Supervisor Responsibilities:
   1. Once contact is made with the officer's supervisor, or another supervisor (or a command officer in the absence of a supervisor), that person will be the managing supervisor for the
duration of the pursuit (unless relieved or overruled by a superior officer).

2. The decision to pursue is not irreversible. Based on the facts known at the time, the managing supervisor will continually evaluate whether the risk of danger to the officers and the public resulting from the continuation of the pursuit is greater than the risk of injury to any person that may result from the successful escape of the suspect.

3. The managing supervisor has the authority and responsibility to:
   a. Ascertain the reason for the pursuit and the surrounding conditions from the involved officer(s) and the dispatcher.
   b. Authorize or cancel the pursuit based on all available information and the provisions of the Denver Police Department policy.
   c. Continually assess the risks and hazards involved in allowing the pursuit to continue and decide to allow the pursuit to continue or order it terminated.
   d. Move in the direction of the pursuit and actively monitor its progress.
   e. Control the tactics used in the pursuit including all forced stop methods described in this policy. The managing supervisor and the pursuing officers must assess the risk involved in applying forced stop methods to the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force.
   f. Nothing in this section precludes the managing supervisor or a superior officer from canceling the pursuit at any time. Involved officer(s) may also cancel their own pursuit and other officers (including the secondary unit) may not continue or reengage the pursuit without the authorization of the managing supervisor or superior officer.

4. The managing supervisor will ensure that no more than two (2) vehicles (primary and secondary) are actively taking part in a pursuit unless he/she authorizes additional units. The following should be considered when making such decisions.
   • The severity of the offense.
   • The number of occupants in the suspect vehicle.
   • The likelihood of armed suspects.

5. The managing supervisor may deploy additional personnel and equipment, as they deem necessary, including Air One, traffic control, special purpose vehicles, etc.

6. All supervisors in the path of a pursuit will remain alert to its progress and location. They will actively assist with traffic control and/or the management of traffic control along the route of the pursuit; to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, and foot pursuits, etc.

7. The managing supervisor is required to respond to the scene of termination or discontinuance of all pursuits, whether or not a suspect has been apprehended.

8. The managing supervisor will determine if a traffic accident resulting from the pursuit has occurred at any point along the route of the pursuit. This includes damage to police equipment, the suspect vehicle, civilian vehicles, and any other property. If an accident has occurred, the Traffic Investigation Unit will be notified and will respond.

9. In those instances where a suspect has escaped apprehension, the managing supervisor will immediately coordinate efforts to follow up any investigative leads. Upon receiving the completed Vehicle Pursuit Report (DPD 453) and related documents, the appropriate investigative unit will be responsible for continuing the investigation with the intent of identifying and prosecuting the violator.
10. The managing supervisor will complete the Vehicle Pursuit Report (DPD 453).
11. Any pursuit that is terminated by forced-stop methods (excluding *tire deflation devices* unless used to stop a motorcycle) will be reported on a Use of Force Report (DPD 12).
12. The front of a Use of Force Report (DPD 12) will be used to report the appropriate information. The narrative may indicate "see vehicle pursuit report".
13. A copy of the Vehicular Pursuit Report (DPD 453) will be attached to the Use of Force Report (DPD 12). The original Use of Force Report (DPD 12) will be forwarded to the Internal Affairs Division, with one copy to the division/district commander, and one copy to the Conduct Review Division, the Deputy Chief of Operations and the Chief of Police.

h. Command Responsibilities:
   1. Unless relieved or overruled by a superior officer, district lieutenants in service at the time of a pursuit are ultimately responsible for ensuring compliance with this pursuit policy if the pursuit is initiated or occurs on their assigned radio channel of operation. In accordance with RR-117, the highest-ranking officer (not including those physically involved in the pursuit) will have final authority over the continuation, cancellation, and tactics of a pursuit. Managing supervisors and police officers will follow the orders of higher ranking officers, regardless of the superior officer's assignment.
   2. All command officers in the path of a pursuit will remain alert to its progress and location. They will actively assist with the management of traffic control along the route of the pursuit to promote public safety, as well as providing for coverage during accident investigation, perimeter containment, foot pursuits, etc.

i. Participation in outside agency pursuits:
Denver police officers are not authorized to actively participate in another agency's pursuit unless the circumstances fall within justification for engaging in pursuits as outlined in this policy. Denver police supervisors and command officers, in accordance with policy, have final authority over the involvement of Denver police officers. Denver police officers will assist with traffic control along the path of an outside agency pursuit to promote public safety, and will assist at the point of termination, to include suspect apprehension, accident investigation, perimeter containment, area searches, etc.

j. Forced-Stop Methods:
   1. If a pursuit is allowed to continue given the criteria set forth in this policy, forced-stop methods should be considered by supervisors as early as possible.
      a. Only officers trained in forced-stop methods will be authorized to use them.
      b. Officers will not resort to deadly force unless the circumstances fall within the guidelines described in the Use of Force Policy (OMS 105.00) and Colorado Revised Statutes.
   2. A supervisor must authorize the use of forced-stop methods unless exigent circumstances dictate immediate action without prior approval. Officers applying such tactics without supervisory approval will be required to justify the exigency that led to their actions.
   3. The managing supervisor will direct the application of forced-stop methods only after considering all information available. Pursuing officers must provide the managing supervisor with sufficient information to plan and prepare for the use of forced-stop methods.
   4. The managing supervisor and pursuing officers must assess the risk involved in forcible termination of the specific pursuit in progress, knowing that such termination may meet the criteria of the use of potentially deadly force.
   5. Department personnel will only use *roadblocks* to apprehend an extremely dangerous felon.
who, if allowed to escape, would create a substantial risk of death or serious bodily injury to another.

a. Authority to establish or remove a roadblock will lie with the managing supervisor or superior officer.

b. At least one marked vehicle will be at the scene of a roadblock.

c. A roadblock will not be established unless all pursuing police officers have been notified of the roadblock and its location, and have acknowledged.

d. To the degree possible under the circumstances, a roadblock will be established where it will be visible for an adequate distance to allow a suspect to come safely to a complete stop.

6. The use of a tire deflation device (stop sticks, spike pads, etc.) may be authorized by a managing supervisor in circumstances where other methods of control or apprehension would be ineffective or more dangerous. The following procedure will be adhered to:

a. At least one marked patrol car and one uniformed officer will be on the scene where a tire deflation device is deployed.

b. As much as possible, uninvolved vehicles and pedestrians will be kept away from the area where the device will be deployed. Some situations may prevent limiting the consequence of such devices, but to the degree possible, they will be deployed in a manner that affects only the suspect vehicle. The place of deployment will be monitored by an officer to prevent pedestrians from entering this area.

c. The location of deployment of the tire deflation device will be communicated to the pursing vehicles.

d. Use of this device against a motorcycle is considered deadly force and its deployment will be in accordance with laws and policy pertaining to the use of deadly force by Denver police officers.

k. Vehicle pursuits with Denver Police air support (Air One):

1. The police helicopter will respond to all pursuits when it is available. Once the helicopter has established visual contact with the pursued vehicle and can follow the pursuit, the managing supervisor will be notified.

2. At this point, the managing supervisor will order that ground units no longer follow the suspect vehicle, nor violate any traffic laws or regulations to catch up to or parallel the suspect vehicle. Officers should remain in the general area, and at the direction of the managing supervisor, will reengage or affect an arrest if the suspect(s) vehicle becomes stationary or if the suspect(s) exit the vehicle on foot, but until such time they should present an appearance to the suspect(s) that the police are no longer pursuing or following them. This may necessitate stopping, turning, or making some other effort to be out of the view of the suspect. The continued pursuit by ground units may be authorized only by the managing supervisor or a superior officer, and only upon a clearly articulated need based on facts known at the time, which may include the following.

a. The gravity of the offense

b. The surrounding terrain

c. Other circumstances that may impact officer safety or the ability to safely apprehend the suspect(s).

3. The managing supervisor will clearly articulate in all reports the urgent need to continue ground pursuit once Air One is directly involved in the pursuit.

4. The helicopter will illuminate the pursued vehicle with its searchlight to make the driver aware of the presence of the helicopter. If this awareness fails to cause the driver to slow,
stop, or surrender, illumination will cease. The helicopter crew will continue to observe
the vehicle without the use of a spotlight and report its location from a position not visible
to the driver. At this point, the role of the helicopter crew is to maintain observation of the
suspect without causing the driver to attempt to elude it.

5. The helicopter crew will update ground units as to the suspect’s location, direction,
speed, etc.

6. The helicopter crew will inform the managing supervisor and other ground units when and
if an opportunity is present for an apprehension. This will generally occur when the
suspect(s) have stopped and are exiting the vehicle. The managing supervisor will then
authorize ground units to enter the immediate area to apprehend any suspects. The
helicopter crew will assist ground units in establishing a perimeter, etc., until the
suspect(s) are in custody or the managing supervisor terminates the police response.

i. Vehicle pursuits involving media helicopters:

Local television stations jointly operate a pool helicopter that may be available to assist in the
event of a police pursuit or other emergency. The aircraft is equipped with a police radio capable
of receiving and transmitting on talk groups one through six.

1. The managing supervisor may request the assistance of a media helicopter through the
police dispatcher; however, participation by any media aircraft is strictly voluntary.

2. If a media helicopter volunteers to assist in a police pursuit, the police dispatcher and
managing supervisor will follow the procedures outlined for pursuits involving the police
helicopter.

3. Depending on which station is operating the aircraft, call signs for the media helicopters
are as follows:
   - Channel Four: Sky 4
   - Channel Seven: Sky 7
   - Channel Nine: Sky 9
   - Channel 31: Sky Fox

4. Should a media helicopter withdraw from participation in a pursuit, the managing
supervisor may elect to resume active ground pursuit or terminate involvement entirely.

(4) Pursuit Termination / Reporting Procedures:

a. Cover officers – post vehicle pursuit:

When a pursuit has reached a conclusion and police officers are actively involved in making an
arrest or pursuing suspects on foot, officers will comply with the policy regarding the emergency
operations of department vehicles and situations when emergency driving (Code 10) is
authorized (OMS 112.02), however, the managing supervisor has ultimate authority over the
manner of response of covering officers (Code 9 or 10). Officers will strictly comply with the
orders of the managing supervisor or superior officer.

b. Vehicle approach:

If possible, officers are to avoid approaching an occupied suspect vehicle at the termination of a
pursuit. High risk vehicle stop tactics are generally the most appropriate method of taking
suspects into custody at the termination of a pursuit. It is understood that exigent circumstances
may exist at the termination of a pursuit that cause an officer(s) to approach an occupied suspect
vehicle. Officers will articulate their actions in such an event.

c. Traffic Investigations Unit personnel - Responsibilities:

1. When notified of a pursuit-related accident, a Traffic Investigations Unit detective (and/or
higher-ranking officers) will respond and be in charge of the accident investigation.
NOTE: A pursuit terminated as the result of a forced stop method only is considered a use of force and not an accident, even though a police vehicle may have been damaged as a result. The investigation of such incidents rests with the pursuit manager or incident commander, who may request the advice and assistance of TIU personnel if necessary.

2. When a suspect has evaded apprehension, the Traffic Investigations Unit (or other appropriate division) will be responsible for investigating, identifying, and prosecuting the violator. This will occur immediately upon receiving the completed Vehicle Pursuit Report (DPD 453) and any related documentation.

3. It will be the policy of the Denver Police Department to vigorously pursue eluding charges against violators. Incidents meeting the criteria set forth in CRS §18-9-116.5 will be charged as a felony. Offenses not meeting these criteria will be filed into state court as a misdemeanor.

d. Commanding officer of the Traffic Investigations Unit - Responsibilities:
   1. The commanding officer of the Traffic Investigations Unit (or designee) will respond to the scene and direct the investigation of any pursuit/eluding no-chase related accident resulting in death or serious bodily injury, or unusually extensive property damage.
   2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer will describe the event on a General Occurrence (GO) report titled, “Vehicular Eluding – No Chase”. The commanding officer of the Traffic Investigations Unit will cause the incident to be investigated for possible prosecution of the violator, seizure of the suspect vehicle and for inclusion in a database.

e. Involved Officer - Responsibilities:
   1. Upon termination of a pursuit, all officers involved will meet at a location designated by the managing supervisor. All officers will complete a statement attached with the GO report.
   2. When a violator has failed to yield to an officer attempting a vehicle stop but the incident did not rise to the level of a vehicle pursuit, the involved officer will describe the event on a GO report titled, “Vehicular Eluding – No Chase” and route the report to Traffic Investigations.

f. When a suspect driver has been apprehended:
   1. All eluding charges will be filed into state court, either as misdemeanors or felonies.
   2. A Traffic Investigations Unit detective or other appropriate unit detective will examine the incident to determine if the filing of felony charges is appropriate.
   3. A pursuit resulting in the death or serious bodily injury of any person will be deemed a critical incident, requiring the notification of the Denver District Attorney’s Office, the Internal Affairs Division and the Office of the Independent Monitor. The commanding officer of TIU (or designee) is responsible for ensuring the district attorney’s office, Internal Affairs Division, and the Office of the Independent Monitor are notified of the incident and afforded the opportunity to respond to the scene while the evidence is present, and prior to the conclusion of the investigation.
   4. Suspects will be processed by the TIU or the appropriate division, district or unit to handle the primary and most serious charge. The decision to incarcerate the suspect will be made by the Traffic Investigation Unit detectives when there are only traffic charges.
   5. If other charges are appropriate, such as auto theft, burglary, etc., the suspect will be processed in accordance with normal investigative arrest/intake procedures. This will be coordinated with Traffic Investigation Unit detectives.
6. To prosecute the charge of misdemeanor eluding, under CRS §42-4-1413, it is necessary to show:
   - Audible and visual signals, such as emergency lights and siren, were used during the pursuit.
   - The pursuit vehicle was a marked unit.
   - The suspect driver willfully increased speed, turned off the vehicle lights, or in some other manner attempted to elude the police.
   - The apprehended suspect is the driver of the vehicle.

7. To prosecute the charge of felony vehicular eluding, using CRS §18-9-116.5, it is necessary to show:
   - A person operating a motor vehicle knowingly eluded or attempted to elude a peace officer, also operating a motor vehicle.
   - The suspect knew or reasonably should have known that a peace officer was pursuing them.
   - The suspect operated his/her vehicle in a reckless manner.

   g. Termination of outside agency pursuits within Denver:
      1. The on-scene supervisor of the originating jurisdiction will generally be responsible for processing the arrest of any suspects and for coordinating the investigation; however, if there was a more serious violation in the City and County of Denver, the on-scene Denver police supervisor or command officer will assume responsibility for coordinating the immediate investigation. Nothing herein prohibits the investigation of any accident, criminal act, or other incident which occurred during the pursuit and within the City and County of Denver.
      2. When any pursuit results in or causes any traffic accident within the City and County of Denver, regardless of the originating jurisdiction, the Denver Police Traffic Investigations Unit will assume primary responsibility for investigation of the accident.

(5) VEHICLE PURSUIT REPORT (DPD 453):

This report captures incident data (e.g., involved officers, suspects, vehicles, etc.), and includes a narrative that must be completed.

a. The managing supervisor or commanding officer is personally responsible for the completion of both parts of the report.

b. The Vehicle Pursuit Report (DPD 453) will be filled out completely. The narrative portion may be brief if the incident details listed below appear in the primary unit officer’s statement in the General Occurrence (GO) report. The statement will provide a detailed description of the following items:
   1. Details to support compliance with all sections of this policy. Incomplete reports and statements will be returned for completion and clarification.
   2. Descriptions of the driver and occupants unless apprehended.
   3. Names, addresses and telephone numbers of all persons able to identify the suspect driver.
   4. Complete narrative description of actions taken by the driver that indicated an attempt to elude.
   5. The reason for the pursuit, location, direction, traffic and street conditions, and traffic violations committed by the suspect.
   6. Emergency equipment used (e.g., lights, siren, etc.).
   7. How the pursuit was terminated (e.g., forced stop, accident, surrender, etc.).
8. Injuries and/or damage caused by the pursuit.
10. Managing supervisor's actions during the pursuit.

   c. The managing supervisor will attach any handwritten officer or witness statements (DPD 366).
   d. Distribution:
      1. The original vehicle pursuit report and statements will be forwarded to the Traffic Investigation Unit. Related reports will be attached.
      2. The managing supervisor will ensure that copies of the Vehicle Pursuit Report (DPD 453) are distributed as follows:
         • Executive Director of Safety
         • Chief of Police
         • Deputy Chief
         • The Division Chief and District Commander of all involved officers
         • Civil Liability Section

(6) **VEHICLE PURSUIT REVIEW:**
   a. All pursuits and eluding incidents will be subject to a review process - See OMS 203.08 (3).
   b. The Traffic Investigations Unit will maintain a database of all pursuits to formulate and/or revise policies and training. The Traffic Investigations Unit will also provide a monthly, quarterly, semi-annual, and annual report from the database to include a semi-annual and annual evaluation of trends and training needs.
308.01 MEP Unit

(1) The Missing and Exploited Persons Unit (MEP Unit) investigates the following:

a. Neglected and/or abused children.

b. Child deaths in cooperation with the Homicide Unit.

c. Sexual assaults to children when the suspect is in a position of trust, or if the suspect is a family member.
   - One in a "position of trust" includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent’s rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child’s welfare, or a person who is charged with any duty or responsibility for the health, education, welfare, or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief, at the time of an unlawful act.

d. Child pornography as it pertains to the possession, distribution, and/or manufacturing of photographs.

e. Reported runaways.

f. Missing persons.

g. Kidnappings where the victim is still missing.

h. Any investigation where the expertise of the MEP Unit will be useful.

(2) Call-out Procedures:

Required notification and assistance of a MEP Supervisor:

a. All complaints of sexual assault on a child in which the suspect is in a position of trust, or is a family member, and the offense occurred within the last 72 hours.

b. In all physical or sexual abuse cases of children involving serious bodily injury defined as the victim suffering:
   1. A substantial risk of death, or
   2. A substantial risk of serious, permanent disfigurement, or
   3. A substantial risk of protracted loss or impairment of the function of any part or organ of the body, or
   4. Breaks, fractures (to include any and all breaks, fractures and/or hard tissue injury such as, bone, teeth or cartilage), or burns of the second or third degree.

c. In all instances when it is necessary to obtain a search warrant to gather evidence or document a crime scene.

d. If officers are unsure how to handle a child abuse, child neglect or sexual assault to a child involving a suspect in a position of trust. In all instances in which a child or adult is missing with extenuating circumstances.

e. In all instances where a suspect is present and there are allegations the suspect possesses or has possessed photographs depicting child pornography.

f. In all cases where a child dies as a result of suspicious or criminal circumstances, the MEP supervisor will be contacted by the Homicide Unit supervisor. See OMS 301.14.
308.02 TAKING CHILDREN INTO PROTECTIVE CUSTODY

(1) CHILDREN TO BE PROTECTED:
Includes, but is not limited to children:

a. Who are physically, mentally or sexually abused, or who are unduly confined or restricted.
b. Abandoned by their parents or guardians, and given to people other than a relative without proper consideration.
c. Without adequate supervision and protection, including those whose parents are incapacitated or incarcerated.
d. Whose homes are unfit by reasons of neglect or depravity on the part of their parents or guardians.
e. Endangered by being left alone without adequate supervision and protection.
f. Endangered by the use, distribution, or manufacturing of illegal drugs.

(2) INVESTIGATION / TAKING TEMPORARY CUSTODY OF CHILDREN:
Officers must investigate all complaints concerning abused/neglected children to determine their validity. When a child is a victim of child abuse, child neglect or sexual assault, the officer has the responsibility of deciding if the child should be left in the home (in the custody of a parent or guardian).

(3) POLICE AUTHORITY:
Under CRS §19-3-401, an officer has the authority to remove a child, “whenever the safety or well-being of the child is immediately at issue and there is no other reasonable way to protect the child…..” Officers must evaluate the safety of the child victim as well as other children who are in the care of the parent or legal guardian.

a. If an officer is unsure if a child should be placed into protective custody, he/she must notify their supervisor who will make the determination.
b. If the supervisor is unsure if a child should be taken into protective custody, the MEP Unit supervisor will be contacted for direction.

(4) PLACEMENT OF CHILDREN REMOVED FROM CUSTODY OF PARENT OR GUARDIAN:

a. It is an officer’s decision whether to remove a child from the custody of a parent or legal guardian. When a decision is made to remove a child, officers must contact the Denver Department of Human Services (DDHS) Hotline at 720-944-3000 and inform the social worker that a child placement is needed.
b. It is DDHS’s decision where the child will be placed.
   1. Officers will provide to DDHS, information of the child and circumstances necessitating placement. DDHS approval of the child placement location is REQUIRED before officers make a placement. This includes placing a child with family members or relatives of the parent or legal guardian.
   2. Officers must include the placement location in the narrative of the General Occurrence (GO) report.
   3. Other than a custodial parent or legal guardian, an NCIC/CCIC warrant check and criminal history will be completed on any person agreeing to take custody of the children. This information will help determine whether the person in question is appropriate to take custody.

(5) ARREST OF PARENT OR LEGAL GUARDIAN:

a. When reasonable and to the degree possible, officers arresting a parent or legal guardian should do so outside the presence of the arrestee’s children.
b. When arresting a custodial parent or legal guardian, unless another lawful custodial parent or
legal guardian is immediately available to take custody, placement of the children through DDHS is required. If there is doubt as to the legal custodial status of the remaining parent or guardian, officers will contact DDHS for approval.

(6) **CHILDREN LESS THAN 72 HOURS OLD:**

When a child is **LESS THAN 72 HOURS OLD**, officers are prohibited from taking custody of that child without a court order EXCEPT in the following circumstances:

a. When a child under 72 hours old is identified by a physician, registered nurse, licensed practical nurse, or physician’s assistant engaged in the admissions, care, or treatment of patients as being affected by substance abuse or demonstrating withdrawal symptoms resulting from prenatal drug exposure.

b. When the newborn child’s parent or parents have been determined by a physician, registered nurse, or qualified mental health professional to meet the criteria specified in CRS §27-10-105, for custody, treatment, and evaluation of mental illness or grave disability.

c. When the newborn child is subject to an environment exposing the newborn child to a laboratory for manufacturing controlled substances as defined in CRS §18-18-102 (5), which states;
   - “Controlled substance” means a drug, substance, or immediate precursor included in Schedules I through V of Part 2 of CRS §18-18-102, including cocaine, marihuana, and marihuana concentrate.

d. If an officer takes custody of a child under any of these circumstances, he/she **MUST** serve the parents with a request to appear on a Protective Custody Notice and/or Request to Appear (DPD 140). When completing the notice/request to appear:
   - Check the “Protective Custody” box.
   - Order-in the parents to the Family Crisis Center for the next business day at 0900 hours.
   - Indicate that the DDHS Hotline has been notified of the request to appear.

e. The officer will complete a General Occurrence (GO) report titled, “Child Abuse-Simple.”

f. If the criteria in OMS 308.02(6) a, b, or c are NOT met, a court order is required to take custody of the child. When a court order is required, officers must do the following:
   1. If a social worker with the DDHS is not present, officers will call the DDHS Hotline at 720-944-3000 and ask for the on-call DDHS caseworker.
   2. Advise the caseworker of the circumstances. The caseworker will contact the on-call juvenile court judge for a verbal order.
   3. DDHS may call for officers to assist with a civil standby when a child is taken into protective custody on a judge’s order. Officers do not need to complete a General Occurrence (GO) report in these circumstances.

(7) **AMERICAN INDIAN CHILDREN:**

To conform to Colorado Children’s Code CRS §19-1-126, Compliance with the Federal "Indian Child Welfare Act," whenever an American Indian child is being removed from the home, officers must:

a. Notify the DDHS Hotline of:
   1. The child’s ethnicity, and
   2. The Indian tribe the child belongs to (if known), and
   3. That the parents have been requested to appear at the Family Crisis Center the next business day at 0900 hours;

b. Serve the parents with a request to appear on a Protective Custody Notice and/or Request to Appear (DPD 140). When completing the report:
   1. Check the “Protective Custody” box.
2. Order-in the parents to the Family Crisis Center for the next business day at 0900 hours.
3. Indicate that the DDHS Hotline has been notified of the request to appear.
   c. If officers are unsure of the child’s ethnicity, DDHS will make that determination after the child is placed, and will determine whether they are affiliated with an Indian tribe.
   d. Complete a General Occurrence (GO) report.

(8) **SOCIAL WORKERS – LIMITATION OF AUTHORITY:**
Social workers with the DDHS do not have authority to remove children from a home without a court order. Officers called to assist DDHS will adhere to CRS §19-3-401, which states: “whenever the safety or well-being of the child is immediately at issue the officer must remove the child from the environment.”
   a. In order to take a child into protective custody, the social worker must provide information to show that the safety or well-being of the child is immediately at issue, and the officer must include this information in a General Occurrence (GO) report.
   b. The authority to remove a child can be based on the information given by the DDHS worker, and may include the history of the family known by the social worker.
   c. Ultimately, the decision to place children in protective custody is up to the officer, but consideration should be given to all the circumstances surrounding the incident.
   d. In situations where the officer is unsure what actions to take, the MEP Unit supervisor should be contacted through the Denver 911 supervisor.
   e. The DDHS worker will serve the parent or legal guardian with the Notice of Rights and Remedies for Families form (DDHS Form).

(9) **PROTECTIVE CUSTODY – GENERAL REPORTING PROCEDURES:**
When a child is placed in protective custody, officers will:
   a. Complete a Protective Custody Notice and/or Request to Appear (DPD 140). This form also gives parent their parental rights.
   b. Check the box “Protective Custody” on the front of the Protective Custody Notice and/or Request to Appear.
   c. **Not disclose the location** of children placed in protective custody to persons other than law enforcement or DDHS personnel. Parents will be referred to the MEP Unit.
   d. Complete a General Occurrence (GO) report, if the incident is a criminal event. If a General Occurrence (GO) report has already been completed and the protective custody is related to the same event, officers must add a statement to the existing report, detailing the circumstances of the protective custody hold.
   e. Add a statement detailing circumstances of the protective custody hold, if in relation to the event, a non-criminal General Occurrence (GO) report was completed and the protective custody is related to the same event.
   f. **When no adults are present,** leave a copy of the Protective Custody Notice and/or Request to Appear (DPD 140) at the residence.

308.03 **CHILD ABUSE, CHILD NEGLECT, SEXUAL ASSAULT TO A CHILD BY A PERSON IN A POSITION OF TRUST OR A FAMILY MEMBER**

(1) **CALLS INITIATED THROUGH DDHS HOTLINE:**
Upon completion of the call, officers will call the Hotline at 720-944-3000 and detail the outcome. DDHS’s Hotline is staffed 24 hours a day, seven days a week.

(2) **REPORTING / NOTIFICATION REQUIREMENTS:**
   a. In all cases concerning neglected, abandoned, abused, or sexually abused children, and children
are present, the officer will complete a General Occurrence (GO) report irrespective to the call being founded or unfounded. This includes welfare checks of children reported by DDHS. Should children not be present and there is no information identifying who the children are, the officer will complete the GO report with an offense code titled “Letter to Detectives,” and route the letter to the Child Abuse handle.

b. In cases of sexual assault on a child when the suspect is in a position of trust or is a family member, the victim should not be interviewed unless it is necessary. A statement should be obtained from the witness or witnesses the victim reported the sexual abuse to.

c. In all cases of reported sexual abuse, physical abuse or neglect, officers must obtain statements from all witnesses, including other officers.

d. Determine if the victim needs medical care, and if so, an ambulance will be called to the scene.

e. If the victim has injuries, photographs are needed. This can be done by the Crime Laboratory, or if the Crime Laboratory is unavailable, with a digital camera. If a digital camera is used, the memory card should be placed into the Property Management Section. When taking photographs of a child and their injuries, officers should consider whether making the child disrobe would cause them trauma. Officers should consider calling an ambulance, or taking the child to a medical facility to assist in taking photographs.

f. Determine if the child can stay in the home or if the child needs placement. See OMS 308.02.

g. Requests to Appear:

1. Serve a request to appear to all persons involved, including the victim, on a Protective Custody Notice and/or Request to Appear (DPD 140) to the Family Crisis Center.

2. All requests to appear are to be done Monday through Friday, excluding holidays, at 0900 hours.

3. In cases of sexual abuse, the suspect must also be given a separate Request to Appear (DPD 75), and the time must be changed to 1300 hours. The Request to Appear location will be police headquarters.

4. If no adults are present, officers must leave a copy of a Protective Custody Notice and/or Request to Appear (DPD 140).

5. Officers must contact the DDHS Hotline at 720-944-3000 and inform the case worker of the request to appear, and the names of the persons ordered-in. Officers must indicate on the Protective Custody Notice and/or Request to Appear (DPD 140) that the DDHS Hotline has been notified of the request to appear.

(3) **Suspected Child Abuse or Neglect of Children - Mandatory Reporters:**

CRS §19-3-304 requires specific persons who have reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect report or cause a report to be made to:

- The local law enforcement agency; or
- The county department of human services; or
- The child abuse reporting hotline system.

The list of mandatory reporters is lengthy, but it includes all law enforcement personnel, first responders, medical providers, care providers and social workers. Willfully violating this statute is a Class 3 Misdemeanor.

a. Officers, whether on or off-duty, will report within 24-hours of discovery or observation any incident to the law enforcement agency where a child may have been abused, exploited or where the child may be in imminent risk of abuse or exploitation and will notify their sergeant by the end of their next work shift.
b. Abuse or neglect as defined does not have to be committed by a family member. The abuse or neglect of a child could potentially be committed by any person.

c. Reporting:
Officers receiving a report of suspected abuse or neglect from either a mandatory reporting party or from any other source will document the incident in RMS.
1. If a crime has occurred, the crime will be investigated and documented in accordance with department policies relevant to that crime and any mandated reporter will be listed as an entity or named in the narrative of the officer statement.
2. If a crime has not occurred, officers will create a GO report titled Letter to Detective.
   • The mandated reporter will be listed as an entity or named in the narrative of the officer statement.
   • A narrative describing the suspicions being reported is required.
   • The victim(s) must be listed as entities in the report, if a name and DOB has been provided or discovered through investigation.

d. Mandatory Reporting by Denver Public Schools:
Officers responding to reports of abuse or neglect at a Denver Public School, by a Denver Public School, or about a Denver Public School employee will complete a GO report, not a Street Check.

(4) CHILD ABUSE OR SEXUAL ASSAULT ON A CHILD BY A PERSON IN A POSITION OF TRUST:
Officers will not arrest a person for the charge of Child Abuse or Sexual Assault on a Child by a Person in a Position of Trust, without the prior approval of their supervisor, or a supervisor or detective assigned to the MEP Unit. If extenuating circumstances exist that an arrest of the suspect is needed to ensure the officer’s or public’s safety, officers should arrest the suspect, then notify the MEP Unit supervisor through Denver 911.

(5) REPORT DISTRIBUTION AND NOTIFICATION AS FOLLOWS:

a. The original copy of the Protective Custody Notice and/or Request to Appear (DPD 140), will be given to the parent or guardian or left at the residence.

b. The second copy (carbon copy) of Protective Custody Notice and/or Request to Appear (DPD 140), along with the original statements, will be HAND CARRIED to the Records Section to be scanned.
   1. Officers must hand carry a copy of the Protective Custody Notice and/or Request to Appear (DPD 140) to the MEP Unit, or, if the MEP Unit is closed, left with the Records Unit to be mailed to MEP.
   2. The third copy of Protective Custody Notice and/or Request to Appear (DPD 140), will be sent to DDHS through inter-department mail or left with an agency where a child is placed if they were taken into protective custody.

c. If a parent or legal guardian is served with a request to appear at the Family Crisis Center or the Denver Children’s Advocacy Center, the officer must:
   1. Contact the DDHS Hotline at 720-944-3000 and inform them of the request to appear and the names of the persons requested to appear.
   2. Indicate on the Protective Custody Notice and/or Request to Appear (DPD 140) that the DDHS Hotline has been notified of the request to appear.

d. If the child is hospitalized and a hold is placed on the child, one copy of the Protective Custody Notice and/or Request to Appear (DPD 140) must be given to the hospital. The officer must notify the DDHS Hotline at 720-944-3000 if a hold is placed on a hospitalized child.
When a child is placed into protective custody, officers must check the box, “Protective Custody” on the front of the Protective Custody Notice and/or Request to Appear (DPD 140).

When children are placed into protective custody, the location of the children will not be disclosed to persons other than law enforcement or DDHS personnel. Parents will be referred to the MEP Unit.

### 308.04 Child Pornography

**Photographs or Paper Copies of Child Pornography:**

a. Retrieve all evidence relating to the child pornography and take a statement from the complainant detailing how the evidence came into his/her possession.

b. If the evidence is printed photographs, or photograph negatives/memory cards, retrieve the envelope that was submitted to the company for printing or developing, and place it into the Property Management Section.

c. Place the evidence showing the child pornography into the Property Management Section, in a paper envelope, sealing it with evidence tape.

d. Officer will create a General Occurrence (GO) report with an offense code titled, “Letter to Detectives”, and route the letter to the Child Abuse handle. Send original statements to the MEP Unit.

e. The possession of child pornography is illegal. The company or person providing the evidence to police is forbidden from keeping any evidence depicting child pornography.

f. If a suspect is present, the MEP Unit supervisor will be contacted through a Denver 911 supervisor.

g. In unusual circumstances or situations that are not clearly covered by procedure, officers will request the presence of a supervisor. The supervisor is encouraged to call the MEP Unit or the on-call MEP Unit supervisor for advice or assistance.

### 308.05 Drug Endangered Children (DEC)

**Definitions**

a. Drug Endangered Children (DEC) refers to children who:

1. Are less than 18 years of age.
2. Suffer physical, emotional or mental harm, or neglect from direct or indirect exposure to illegal drugs or alcohol.
3. Live in a house where illegal drugs are used and/or manufactured.
4. Ingest or inhale illegal drugs in the home.
5. Are exposed to the toxic chemicals of home drug labs.
6. Are infants exposed to illegal drugs in utero.
7. Suffer physical abuse and neglect because of their caretaker’s substance abuse.

b. Controlled substance means a drug, substance, or immediate precursor included in Schedules I through V of Part 2 of CRS §18-18-102, including cocaine, marihuana, and marihuana concentrate.

c. Clandestine laboratory is defined as a scene having hazardous chemicals, glassware, fertilizers, seeds, molds or spores used to manufacture or grow controlled substances.

**Patrol Response:**

a. When officers arrest a suspect for possession or sale of a controlled substance and a child is
present, and the suspect is the guardian or parent of the child, officers will determine if the child is safe. See OMS 308.02.

1. If it is determined the child is not safe, officers will call the DDHS Hotline at 720-944-3000, for placement of the child. The Emergency Response Worker will determine where the child will be placed. Officers should never place children away from their parent or legal guardian without consent from DDHS.

2. Officers will complete a General Occurrence (GO) report, adding the offense “Child Abuse-aggravated,” and route it to the appropriate district narcotics unit.

3. If children are taken into protective custody, officers must complete a Protective Custody Notice and/or Request to Appear (DPD 140), and check the box titled “Protective Custody.” Refer to OMS 308.03(4) for distribution.

b. When officers arrest a suspect for possession or sale of a controlled substance and:
   1. There is an indication that the suspect is a legal guardian or parent of a child; and
   2. That child may be in danger because of the illegal drugs involved, officers will:
      • Notify DDHS’s Hotline at 720-944-3000 regarding the circumstances of the arrest and any concerns for the child.
      • Include the notification to DDHS in their statement.

c. When officers find evidence of a clandestine laboratory, they will immediately notify the on-call Vice/Narcotics Section or appropriate district narcotics supervisor:
   1. If children are involved, their information must be included in the General Occurrence (GO) report.
   2. Vice/Narcotics Section or district investigative personnel will contact the DDHS Emergency Response Team to assist with placement of the children.

d. In situations where illegal drugs are present and children may be involved, officers are encouraged to contact the on-call Vice/Narcotics Section or appropriate district narcotics investigative unit supervisor.

308.06 MISSING PERSONS AND RUNAWAYS

(1) POLICY:
Missing person or runaway reports are taken of people who reside within the City and County of Denver, or if there is credible information indicating the missing adult or juvenile was last believed to be within the City and County of Denver. There is no waiting period for the purposes of reporting a missing person. Missing person cases where extenuating circumstances exist will be investigated immediately.

(2) RANKING MEMBER OF MAJOR CRIMES BUREAU:
At the scene of an adult or child missing with extenuating circumstances, the ranking member of the Major Crimes Bureau who may be present will be in complete charge of the incident without regard to the rank of officers present from other divisions or bureaus. Under such circumstances, the senior representative of the Major Crimes Bureau will establish liaison with the command post or uniformed command officer at the scene and make all requests for assistance from the patrol district through the command post or through the regular chain of command of that division or bureaus, as appropriate.

(3) DEFINITIONS:
Missing Person:
• Any child 11 years of age or younger whose whereabouts cannot be determined.
• Any child who is 12 years of age, but not yet 18 years of age and who is not considered a runaway.
• Any person 18 years of age or older whose whereabouts cannot be determined and the absence is a
significant deviation from normal behavior patterns and cannot be explained.

- Any walk-away from an institution including but not limited to: hospitals, nursing homes, group homes, or other care facilities. A walk-away is any person who leaves on his/her own volition, but does not have the authority to do so.

**Runaway:** Any child who is 12 years of age but not yet 18 years of age will be considered a runaway when the disappearance is the result of the child’s actions.

**Extenuating Circumstances:**

- Any circumstance, which subjects a missing person to be at risk or suggests that foul play exists.
- When extenuating circumstances exist, a missing person report is required whenever any person is reported missing from a location within the City and County of Denver.

(4) **Extenuating Circumstances Include But Are Not Limited To The Following Elements:**

- **Age:** A person under the age of 12 or a person who is elderly. NOTE: An elderly person is a person who has a diminished ability due to an age-related malady, disability, or memory loss.
- **Disability:** A person of any age who is missing and who has a physical or mental disability, which subjects that person or others to personal danger. This includes, but is not limited to the inability to communicate due to language disability or language difference and Missing Civilly or Criminally Committed Mental Patients.
- **Endangered:** A person of any age who is missing under circumstances which indicate the missing person may be in danger. This includes in the company of another person who is considered dangerous, exposure to a dangerous environment or when sexual exploitation exists or is reasonably believed and any instance where the missing person is reasonably believed to be a victim of foul play.
- **Involuntary:** A person of any age who is missing under any circumstances, which indicate the disappearance, may not have been voluntary.
- **Catastrophe Victim:** A person of any age who is missing after a catastrophe or natural disaster.
- The absence is a significant deviation from established patterns of behavior and cannot be explained.
- **Criminal kidnapping:** The missing person has been abducted by someone other than a parent. For procedures to follow in violation of custody order or order related to parental responsibilities, see: OMS 308.15(3).

(5) **Reporting Missing Adults - Initial Report:**

The initial report of a missing adult is a non-crime report and is considered “information only.” In some instances, missing adults are found to be victims of homicide, suicide or kidnapping. All reports of missing persons will be considered serious during the initial reporting phase. Reports of missing persons will be taken under the following circumstances:

- The missing person is a resident of the City and County of Denver, or
- There is credible information indicating that the missing person was last believed to be within the City and County of Denver.

a. **Manner of Reporting:**

   An adult (18 years of age or older), may be reported missing via telephone or in person.

b. **Officer Response:**

   When requested by a complainant, a car will be dispatched to the complainant's location to take the initial report.

   1. When gathering the information, either in person or by phone, an interview will be conducted with the complainant to determine if extenuating circumstances exist. If extenuating circumstances exist, Denver 911 will be notified and a description of the missing person will be broadcast. In addition, the on-call MEP Unit supervisor will be
notified.

2. If extenuating circumstances do not exist, officers will still complete a General Occurrence (GO) report.

c. General Occurrence Reports.
1. The title will be “Missing Person-Adult”.
2. Location of occurrence will be the last known location.
3. Time and date of occurrence will be the last time and date seen.
4. The missing person will be listed as the victim.
   - Include name, DOB, height, weight, hair, and eye color.
   - Include Social Security number and vehicle information.
   - List any distinguishing information in the narrative.
5. The reporting person will be the complainant.
6. Circumstances surrounding the missing person will be detailed in the narrative of the report.
7. If available, have the complainant provide a photograph of the missing person.
8. The MEP Unit detective will gather any additional information.
9. With all missing person reports, a CCIC/NCIC Wanted/Missing Person (DPD 110/252) will be completed by an MEP Unit detective or, if extenuating circumstances exist, by the on-call MEP Unit supervisor or detective.

d. MEP Unit Detectives – Responsibilities:
1. Enter and maintain information about missing persons on the RMS system.
2. All reports of a missing person will be assigned to a MEP Unit detective for follow-up investigation.

(6) **MISSING SENIOR PERSON ALERTS:**
Issued through the Major Crimes Bureau MEP Unit, at the direction of the Commander of the Major Crimes Bureau (or designee), and with coordination with the Colorado Bureau of Investigation.

a. The following criteria must be met before MEP Unit personnel may consider issuing the alert:
1. The missing person is 60 years of age or older whose whereabouts are unknown.
2. A missing person lives in Colorado or was last known to be in Colorado.
3. The missing person must have a verified mental condition that poses a credible threat to the safety or health of the person.

(7) **VERIFIED DEVELOPMENTAL DISABILITIES ALERTS:**
Issued through the Major Crimes Bureau MEP Unit, at the direction of the Commander of the Major Crimes Bureau (or designee), and with coordination with the Colorado Bureau of Investigation.

a. The following criteria must be met before MEP Unit personnel may consider issuing the alert:
1. The person must have gone missing while in Colorado.
2. The person must be verified from a law enforcement agency that the missing person has a developmental disability.
3. There must be a signed written statement from a family member, close friend, caregiver, doctor, or medical facility that verifies that the missing person has a developmental disability(s) that manifested before the person reached 22 years of age.

(8) **CIVILLY OR CRIMINALLY COMMITTED MENTAL PATIENTS - REPORTING REQUIREMENT:**
For a report to be taken by this department, the missing or walk-away person must have left a facility
located in the City and County of Denver.

a. Response:
   
   Officers will be dispatched for persons wishing to report a civilly committed missing person or walk away. Officers will complete a General Occurrence (GO) report titled, “Missing Person-Adult.” The MEP Unit will place a "locate only" want on the person.
   
   1. Persons wanted on a “locate only” want (e.g., walk away or runaway) from a civil mental health commitment will not be arrested unless they are sought on a warrant or are arrested on probable cause for a criminal offense.
   
   2. If the person for whom the “locate only” pickup has been placed voluntarily agrees to be returned to the facility from which they walked or ran away, he/she will be transported to that facility. If the officer is unsure if the person was placed in the facility on a voluntary basis, the facility should be contacted.
   
   3. A mental health hold will not be placed unless the person for whom the “locate only” pickup has been placed exhibits behavior that establishes the need for a mental health hold.
   
   4. A General Occurrence (GO) report titled, “Letter to Detectives” will be made and routed to the Missing Persons handle whenever a person contacted is the subject of a "locate only" want issued for walk away or runaway from a civil commitment. The MEP Unit will cancel the want.

(9) UTILIZATION OF THE MEDIA:

a. Media Releases:
   
   The Public Information Office (PIO) of the Denver Police Department, in concert with the MEP Unit, utilizes the electronic media, radio, and television to immediately broadcast information about missing, endangered, or abducted children. Media releases can be activated for endangered or abducted adults as well. Media releases will assist in generating community awareness in a short period of time. The Commander of the Major Crimes Bureau (or designee) will represent the Denver Police Department for media activation purposes.

b. Criteria:
   
   1. The missing child is under 12 years of age.
   
   2. An investigation has occurred and the disappearance/abduction is verified.
   
   3. The missing person is believed to be in danger of serious harm or death.
   
   4. The missing child or adult is believed to have a proven mental or physical disability and/or a condition that requires immediate attention.
   
   5. Extenuating circumstances exist.
   
   6. Evidence exists to indicate that the missing child was abducted.
   
   7. Evidence exists that an adult was abducted.
   
   8. Sufficient information is available to disseminate to the public that could assist in locating the missing person, suspect, or suspect vehicle.

c. Activation:
   
   1. All procedures of this entire section will be followed.
   
   2. When criteria are met, the Commander of the Major Crimes Bureau (or designee) will contact the Public Information Office of the Denver Police Department.
   
   3. The Public Information Office representative will facilitate the release of all pertinent missing person information to the media outlets.
   
   4. Information release will be facilitated through broadcast fax and/or broadcast email from
the Public Information Office to the media outlets.

5. The Colorado Bureau of Investigation will be notified at 303-239-4211 by the MEP Unit prior to releasing information to the media of incidents meeting criteria outlined in:
   - OMS 308.08(7) - Amber Alerts
   - Section (6) – Missing Senior Persons Alerts
   - Section (7) – Verified Developmental Disabilities Alerts.

d. AMBER Alerts – see OMS 308.08(7) for criteria.

e. Cancellation:
The Commander of the Major Crimes Bureau (or designee) is responsible for cancellation of an alert.

(10) LOCATING MISSING PERSONS:

a. Missing person wants are not warrants: A missing person want, local or national, is not a warrant and the person cannot be arrested for being sought as a missing person.

   1. Missing persons who are physically or mentally handicapped will be handled in accordance with the procedures found in OMS 104.17 Processing Persons with a Mental Illness.

b. Officers contacting a person listed as missing will:

   1. Determine if the person is acting under his/her own free will;
   2. Document how the person was identified and the circumstances of the contact in a General Occurrence (GO) report with an offense code titled “Letter to Detectives”, and route the letter to the Missing Persons handle.
   3. Advise the person that a missing person report has been filed and inform the person which agency placed the want;
   4. If a missing person is arrested for a crime, all missing person reporting procedures still apply.
   5. Any persons or agency requesting information about police contact with missing persons will be referred to the MEP Unit during normal business hours.

(11) REPORTING MISSING OR RUNAWAY JUVENILES:

Reports of missing or runaway juveniles will be taken under the following circumstances;

- The juvenile is a resident of the City and County of Denver, or
- There is credible information indicating that the juvenile was last believed to be within the City and County of Denver.

a. General Occurrence (GO) Report:

   When reporting a missing child or runaway 12-17 years of age, the GO report will be titled, “Runaway-From Denver”.

   1. All missing child or runaway complaints will be taken in person, with the exception of facilities registered with the MEP Unit. Officers dispatched to or otherwise notified of a missing child or runaway will ensure completion of a report rather than referring the complainant to MEP.
   2. A photograph of the missing or runaway juvenile will be sent via inter-department mail to the MEP Unit.
   3. MEP Unit detectives are responsible for all follow-up investigations involving reported runaways or missing children.
4. Under unusual or extenuating circumstances, the supervisor at the scene will contact the MEP Unit or the on-call MEP Unit supervisor.

5. Treatment/care facilities registered with the MEP Unit may report runaway children in accordance with procedures listed under OMS 308.06(11) e.

b. Extenuating Circumstances:
   When the child being reported is missing under extenuating circumstances, officers should refer to OMS 308.08, Denver Police Department Missing or Abducted Child Response. The MEP Unit supervisor should be contacted through the Denver 911 supervisor.

c. Juveniles Returning to Personal Residence:
   If a juvenile runs away from foster care to his/her own home, police officers do not have the legal authority to remove the juvenile from his/her own home unless the juvenile is in immediate danger, refer to OMS 308.03, Taking Children into Protective Custody. If the juvenile is not in immediate danger, officers will:
   1. Contact the on-call social worker through DDHS’s Hotline at 720-944-3000. If DDHS has been awarded custody of the juvenile, the social worker can respond to the officer’s location and take custody of the juvenile. If DDHS has not been awarded custody, they must get a verbal or written order from a Denver judge to take the juvenile out of the home. Once this is completed, officers can assist DDHS with an attempt to take custody of the juvenile.

d. Married Person Under 18 Years of Age:
   When a married person under 18 years of age is being reported missing by his/her spouse, officers will complete a General Occurrence (GO) report titled, “Missing Person - Juvenile.” Should extenuating circumstances exist; the on-call MEP Unit supervisor will be contacted.

e. Runaways from Treatment / Care Facilities:
   Treatment/care facilities registered with the MEP Unit reporting runaway children may follow this procedure:
   1. Treatment/care facility personnel may make a report of a runaway child in person, or, if they are registered with the MEP Unit, by faxing or emailing a completed Request for Apprehension of a Runaway Child (DPD 100) to the Juvenile Section.
   2. The Juvenile Section representative will complete a GO report and provide a case number to the treatment/care facility representative.
   3. If the child is believed to be missing under extenuating circumstances, the on-duty or on-call MEP Unit supervisor will be notified.

f. Locating Missing or Runaway Juveniles – See OMS 401.03.

308.07 KIDNAPPING CASES

(1) MEP UNIT:
   Investigations of all kidnapping cases where the victim is still missing will be investigated by the MEP Unit.
   • If the victim of the kidnapping is a child, officers should refer to OMS 308.08, Denver Police Department Missing or Abducted Child Response. The MEP Unit supervisor should be contacted immediately through Denver 911.

(2) CHILD CUSTODY DISPUTES:
   Child custody disputes and violation of custody order or order related to parental responsibilities (CRS §18-3-304).
308.00 MISSING AND EXPLOITED PERSONS

a. If an officer is present with a child and the disputing parties, and:
   1. One party has obtained a protection order against the other party; the officer will be guided by OMS 122.01.
   2. If the welfare of the child is not endangered, the child will be left with the person who was awarded custody through a Colorado court. If there is a court order from another state, officers must contact a MEP supervisor for direction.
   3. If officers determine that the welfare of a child in their presence is in immediate danger, see OMS 308.02 and complete the necessary paperwork.

b. In any circumstance where the child is not present and the allegation is a violation of a custody order or order related to parental responsibilities (CRS §18-3-304), a preliminary investigation will be conducted.
   1. Officers will attempt to locate and return the child to the party who was awarded custody.
   2. If the child is not found and there is no indication the child may be endangered, officers will complete a General Occurrence (GO) report with an offense code titled, “Letter to Detectives,” routing the letter to the Missing Persons handle. Officers will send statements from the complainant and any witnesses to the MEP Unit via inter-department mail. All parties should be ordered in to the MEP Unit the next day at 0900 hours.
   3. If there is any indication that the child may be endangered, or that the child may be taken out of the state or country in violation of a custody order or order related to parental responsibilities (CRS §18-3-304), for the purpose of denying the other parent custody, the MEP supervisor will be contacted through Denver 911. Officers should then refer to OMS 308.08, Denver Police Department Missing or Abducted Child Response.

c. In unusual circumstances or situations that are not clearly covered by procedure, the officer will request the presence of a supervisor. The supervisor is encouraged to call the MEP Unit or the on-call MEP Unit supervisor for advice or assistance.

308.08 MISSING OR ABDUCTED CHILD RESPONSE

(1) PURPOSE:
This policy establishes responsibilities and guidelines regarding the Denver Police Department’s response to reports of missing or abducted children, and will be used in conjunction with OMS 308.06, Missing Adults and Runaways.

(2) POLICY:
It will be the policy of the Denver Police Department to thoroughly investigate all reports of missing or abducted children in the City and County of Denver. In addition, this agency holds that every child reported as missing with extenuating circumstances will be considered “at risk” until information to the contrary is received. At the scene of a child missing with extenuating circumstances, as defined in OMS 308.06 (3), the ranking member of the Major Crimes Bureau who may be present will be in complete charge of the incident without regard to the rank of officers present from other divisions or bureaus. Under such circumstances, the senior representative of the Major Crimes Bureau will establish liaison with the command post or uniformed command officer at the scene, and make all requests for assistance from the patrol district through the command post or through the regular chain of command of that division or bureau, as appropriate.

(3) DEFINITIONS:
Extenuating circumstances:
- A missing child who is under the age of 12.
- A child whose disappearance involves circumstances that would cause a reasonable person to
conclude that the child should be considered at risk.

- A child who has a medical condition, physical disability, or mental disability which subjects them or others to personal danger
- A missing child who is believed to be: Out of the “zone of safety” for his/her age and developmental stage, a potential victim of foul play or sexual exploitation, with adults who could endanger him or her and/or missing under any circumstance that indicates the disappearance may not have been voluntary.

(4) **DETERMINATION OF EXTENUATING CIRCUMSTANCES:**

a. If it is determined that extenuating circumstances do not exist, and the child is classified as a runaway (defined as “any child who is 12 years of age, but not yet 18 years of age and the disappearance is the result of the child’s actions” [OMS 308.06 (11)]), standard reporting guidelines for runaway children will apply. If the reporting person knows the child’s whereabouts, the responding officer will assist in locating and returning the child.

b. If it is determined the child is missing under extenuating circumstances, the following procedures will apply. The search for a missing child is a cooperative effort involving Denver 911, patrol districts, and the Major Crimes Bureau. Every missing child requires different types of investigative techniques depending on the circumstances. This procedure should be used in cases of missing children, but depending on the circumstances, not every item may be used. This policy is to be used as a guideline in a missing child case. The main goal of any search is the safe recovery of that child.

(5) **DENVER 911 PROCEDURES:**

a. Missing children under extenuating circumstances will be dispatched as priority one or two.
b. Immediately dispatch an officer to the scene of the report and notify a district supervisor.
c. Transmit the appropriate information to all channels. A critical responsibility of the call taker is to obtain sufficient information from the reporting party for immediate airing, detailing circumstances of the child’s disappearance.
d. If there is an indication the child has been kidnapped, surrounding jurisdictions should be notified. Information about the possible abductor must be aired with special emphasis on the description of the suspect and vehicle used, as well as direction of travel.
e. Basic descriptive information should include the child’s height, weight, hair color, eye color, and clothing, as well as the location where he/she was last seen.
f. Information regarding any prior call should be obtained and relayed to the responding officer(s). If possible, information can be gathered by the call taker of any prior complaints in the area the child was taken or missing from that might have investigative value. Particular attention should be given to complaints involving enticement of children, attempted kidnappings, suspicious persons and public indecency.

(6) **PATROL RESPONSE:**

a. Respond promptly to the scene of the report and interview family member/person(s) who made the report and identify circumstances of the disappearance.
b. If the officer determines there are extenuating circumstances, the MEP Unit supervisor must be contacted through Denver 911 and a district supervisor will respond to the scene. Time is essential when investigating a missing child. The officer needs to quickly identify the circumstances of the child’s disappearance to determine if a call out is necessary.
c. Confirm that the child is in fact missing. **Search the child’s home; even if the child was reported missing from a different location and the home has already been searched.** Officers should never assume that searches have been performed in a thorough manner, and should themselves search the home and surrounding area, paying attention to places a child could be trapped, sleeping, or
d. Obtain a detailed description of the missing child and/or suspect and vehicle, and have information aired citywide, and to surrounding jurisdictions. If circumstances indicate a non-family abduction, information should be distributed statewide.

e. If the child has been abducted from a Denver hospital, consider setting a perimeter around the hospital to reduce possible escape routes for the suspect. Immediately notify Denver 911 to have the MEP Unit supervisor contacted.

f. Give the child’s and/or suspect’s information to RTD, local cab companies, and any other private or city entities whose mobility may assist in locating the child and/or suspect.

g. Verify the child’s custody status and whether or not custody issues could be involved with the physical location of the child.

h. Gather a list of all family members who are not at the scene. This includes family members the reporting persons contacted, but who are not on scene.

i. Determine when, where, and by whom the missing child was last seen.

j. Secure video recordings/photographs of the missing child and/or the suspect.

k. Seal/protect the scene where child was taken from.

l. Consider assigning personnel inside the child’s home to monitor incoming calls.

m. Complete a neighborhood survey, separating witnesses who are critical to the investigation for interviews.

n. Determine if the child had access to the Internet and/or a cell phone and advise responding detectives.

o. Determine if a grid search for the child is necessary, and if so, coordinate the search with investigative personnel. Treat areas of interest as potential crime scenes.

p. Determine if surveillance or security cameras in the vicinity may have captured information about the child’s disappearance and advise responding detectives.

q. Complete required reports and make required notifications.

(7) **Major Crimes Bureau Response:**

a. When a child is missing under extenuating circumstances, and the MEP Unit supervisor is contacted, a determination will be made whether a call out should occur. If detectives are called out, a minimum of one detective from the MEP Unit will be called, and the need for additional personnel will be evaluated with regard to the following:
   - Circumstances surrounding the disappearance, which include but are not limited to, the verification of a non-family abduction.
   - Activation of the AMBER Alert system.
   - Age of the child.
   - Mental capacity of the child.
   - Any evidence that indicates the child is in immediate danger.
   - Amount of time the child has been missing.
   - Number of witnesses that need to be interviewed.

b. Once a call out is initiated, the Major Crimes Bureau commander will be notified of the circumstances surrounding the disappearance and the number of personnel that have been called out.

c. When members of MEP Unit arrive, they will meet with the patrol supervisor to obtain the facts of
the case and determine what additional steps need to be taken by the patrol district.

d. MEP Unit personnel who respond to the scene will investigate the child’s disappearance using sound investigative techniques. The MEP Unit supervisor will go through the Missing Child Investigation Checklist to ensure that all pertinent steps have been made.

e. AMBER Alerts will be issued through the MEP Unit at the direction of the Commander of the Major Crimes Bureau (or designee). Detectives must quickly determine if the disappearance falls under the criteria for an Amber Alert. If it does, information on the disappearance should immediately be given to the Colorado Bureau of Investigation.

AMBER Alert criteria:
- The child must be 17 years of age or younger.
- The child must be in immediate danger of serious bodily harm or death.
- There must be enough descriptive information to believe a broadcast will assist or help in the recovery.

f. Along with the ongoing investigation, if an AMBER Alert is issued the following will IMMEDIATELY take effect:

1. Personnel will be assigned to answer telephones in the Major Crimes Bureau;
2. Lead sheets will be completed on all calls and reviewed by a supervisor, who will assign personnel to investigate pertinent leads;
3. A determination will be made by the Major Crimes Bureau Commander (or designee) if the command post will be brought to the scene of the disappearance. If the command post is used, it will be established away from the parents’ home and away from the media;
4. A Public Information Officer (PIO) will be notified and respond to the scene, establishing a staging area for the media that is away from the crime scene, the command post, and the victim’s home.

g. Missing Child Investigative Checklist:

NOTE: This is to be used by members of the Major Crimes Bureau when investigating a report of a missing or abducted child. Not every item in this list may be used depending on circumstance. This is to be used as a guideline in cases of missing children.

1. Verify that the child is in fact missing. When MEP Unit detectives arrive, they will search the home, even if patrol officers have already done a search. Be aware that a small child can fit into a very small space. Detectives should pay particular attention to fold out couches that are inside the home and other areas where the child’s breathing may be restricted.

2. Verify a missing child’s custody status and identify legal guardians.

3. Determine if the case fits the criteria for an AMBER Alert. If it does, detectives must contact the Colorado Bureau of Investigation to issue one. This should be done as quickly as possible.

4. On child abductions, document the crime scene to include video recording where the child was taken from.

5. Obtain a photograph of the victim/missing child and create flyers for distribution through the National Center for Missing and Abducted Children’s Locater program.

6. Consider the need for a telephone hotline. This is required if an AMBER Alert is issued.

7. Contact the National Center for Missing and Exploited Children.

8. Assign a scribe.
9. Ensure that the description of the missing person has been broadcast to Denver and surrounding law enforcement jurisdictions.

10. Notify the media and other city agencies as appropriate. The PIO should be utilized for release of information to the media. Due to their mobility, bus and taxicab companies should be notified as well.

11. Have the child entered into NCIC.

12. For a missing child, identify their “zone of safety” with consideration of their age and developmental stage.

13. Search the victim’s/missing child’s home and room for leads.

14. Determine if the child had internet access. If so, check the device/computer for any leads.

15. Document the crime scene or the location where the victim/missing child was last known to be.

16. Interview reporting persons and the victim’s/missing person’s family. If necessary, polygraph personnel can be utilized in the investigation.

17. Interview individuals who were last in contact with or who last saw the victim.

18. Interview all other parties who may have information regarding the victim.

19. Police Department personnel should remain with the parents or reporting persons at all times during an active search for the victim/missing child. Notes should be taken of all statements made by these persons. Patrol officers may be utilized for this, but should remain close to the reporting persons to hear any conversation.

20. Determine if the family has had persons to the house who are out of the ordinary. For example, persons doing repairs, maintenance, or other workers.

21. If there is no one else at the victim’s/missing person’s home or his/her parent’s home, an officer should be assigned to intercept all telephone calls. Recording equipment should be considered.

22. Check cars in the area and have the car trunks opened. Consider the use of volunteers to assist in the search. Use of volunteers should be carefully considered because of the possibility of crime scene contamination. A possibility also exists that a suspect may want to be part of the search. The use of volunteers must be approved by the Major Crimes Bureau Commander and coordinated by MEP Unit personnel.

23. Ensure all leads are being recorded and followed up on as appropriate.

24. Document the perimeter of any search and consider perimeter modification.

25. Conduct a neighborhood survey. Officers conducting this survey should also document all license plates in the neighborhood. MEP Unit detectives will research these license plates.

26. Establish a command post if necessary, and should be located away from the victim’s/missing child’s home. A separate media staging area can also be established, which should be away from both the command post and the home.

27. Contact air support (Air 1) for searches that involve large areas.

28. Search dogs may be considered and used when appropriate.

29. Consider the use of ITN (Intrado Target Notification) to contact residents/occupants of homes near where the child is missing from. While the facts of the case will determine the distance of the Emergency Phone Notification (EPN) launch, the smallest distance should be considered based on those facts. The following should be considered before launching an EPN:
• The risk of serious bodily injury or death to the missing child and/or adult;
• The amount of time the child or adult has been missing;
• Information that indicates an EPN launch would help in locating the child or adult;
• The missing child and/or adult involves extenuating circumstances;
• Any EPN launch initiated for the Major Crimes Bureau must first be approved by the commander of that bureau.

30. Conduct records research/criminal history searches on all involved persons.
31. Retrieve all prior family information from DDHS at 720-944-3000.
32. If there is any indication the child may have been kidnapped, obtain a list of all registered sex offenders who live/work in the area the child was last seen.
33. Contact all family and friends of the child, and the friends’ families (including persons who are not on scene). This includes persons the family has already contacted, but whom are not present.
34. If appropriate, contact Denver Public Schools to obtain contact information for students who go to school with the victim.
35. Consider retrieving medical and dental records for later use.
36. Consider obtaining a sample of the child’s hair for DNA purposes.
37. The Commander of the Major Crimes Bureau will determine what further investigative steps will be completed after all leads have been exhausted.

(8) **USE OF CANINES FOR MISSING / ABDUCTED PERSONS INVESTIGATIONS:**

a. Upon request by the MEP Unit, Front Range Rescue Dogs search teams may be requested for the following searches:
   • Missing children;
   • Missing elderly persons with diminished ability due to an age-related malady, disability, or memory loss;
   • Special needs person of any age with a physical or mental disability, which subjects that person to danger.

b. A member of the MEP Unit will determine the need for the Front Range Rescue Dogs search team after considering the following:
   1. Amount of time the person has been missing;
   2. Circumstances surrounding the incident;
   3. Whether the incident is related to a criminal event.

c. If the incident meets criteria for use of a Front Range Rescue Dogs search team, the MEP Unit detective will:
   1. Contact a K-9 Unit or METRO/SWAT supervisor to determine if a Denver Police Department K-9 would be feasible for the search;
   2. If METRO/SWAT K-9s are not suitable for the search, a Denver 911 supervisor will be contacted to determine availability of a Front Range Rescue Dogs search team.

d. Denver 911 will be responsible for the following:
   1. Upon request, a Denver 911 supervisor will verify through a METRO/SWAT supervisor that a department K-9 will not respond;
   2. Request a Front Range Rescue Dogs search team trailing dog through the Boulder County Sheriff’s Office Dispatch Center, 303-441-4444;
   3. Provide the call taker with the name and phone number of the on-scene MEP Unit
detective (The detective will be contacted by a representative and/or the responding team member from Front Range Rescue Dogs);

4. If a team is available, requesting an estimated time of arrival.

e. Front Range Rescue Dogs (FRRD) search teams consist of one handler, one dog, and one operational support member:
   1. FRRD teams will be accompanied by a minimum of one uniformed Denver police officer;
   2. FRRD handlers or support members will not be left unescorted at any time during the search;

f. If during the search it is determined that a crime has occurred or a suspected crime scene is discovered, the search will stop immediately. Denver Police Department personnel will secure the scene and notify the on-scene MEP Unit detective.

## (9) Activation of the Child Abduction Response Team:

Based on need and other determining factors, the Child Abduction Response Team (CART) may be activated to investigate certain child abductions. Activation of the Child Abduction Response Team also requires implementation of the Child Abduction Response Plan. The response plan outlines an incident management system for quickly deploying police resources to investigate child abductions.

a. Activation of the CART may be recommended by MEP Unit supervisors, Major Crimes Bureau command officers, and/or district command officers, but ultimately requires approval of the Chief of Police (or designee).

b. Once activated, the Commander of the Major Crimes Bureau (or designee) will provide leadership for the team.

c. Maintenance of the Child Abduction Response Plan is the responsibility of the MEP Unit supervisors and the Major Crimes Bureau. MEP unit supervisors and the Major Crimes Bureau will ensure the response plan remains available for quick deployment, up-to-date with regard to the department’s current organization structure, be inclusive of all available police and city resources, and continually incorporate contemporary investigative tools for this type of incident when necessary.

## (10) Recovery of the Child / Reunification With The Family:

a. When a child is recovered, MEP Unit personnel are responsible for notifying the appropriate agencies and canceling the NCIC pickup, CCIC/NCIC Wanted/Missing Person (DPD 110/252).

b. Upon recovery, officers should not question the child. An MEP Unit detective will respond to the recovery location. The child should be interviewed by MEP Unit personnel who are trained in the forensic method of interview. If information from the child is immediately necessary, this should be done by the MEP Unit detective.

c. Be aware of evidence that may be on the child and/or the child’s clothing.

d. Release of the child to the family will be done by MEP Unit personnel. Family members should not be taken to the recovery scene.

e. MEP Unit personnel will consider contacting DDHS in assisting with placement of the child and/or reunification with the family.

f. MEP Unit personnel will consider calling the Victim’s Assistance Unit to provide the family with services.
401.01 GENERAL GUIDELINES

(1) POLICY:
The procedures established by the Denver Police Department for handling juveniles are influenced by Colorado Revised Statutes (CRS) and the policies of the Denver Juvenile Court.

a. CRS Title 19, “Children’s Code” states that “a juvenile may be taken into temporary custody by a law enforcement officer without order of the court when there are reasonable grounds to believe that he or she has committed a delinquent act.” A juvenile arrest must meet the same level of probable cause as would be required in an adult arrest. This probable cause must be articulated in all the reports relating to the arrest.

b. The Juvenile Section (303 W. Colfax Avenue, Suite 100) is designed to facilitate the processing and placement of juveniles taken into police custody. On a case-by-case basis, officers are encouraged to use their discretion (within parameters of department policy) and best judgment in deciding what action is to be taken in dealing with juveniles and to take into consideration what would best serve the needs of all concerned parties.

- Lecture and release to parents
- Order-in to concerned investigative unit
- Order-in to Juvenile Court (4F) for minor city ordinance violations
- Arrest for misdemeanor and felony offenses

c. The Unified Summons & Complaint is used to order a juvenile offender directly into Denver County Court for violations of city ordinances. County Court has limited sentencing and penalty powers, and is only meant to handle minor criminal offenses. Per Denver City Charter section 34-17, the county court can fine a minor up to $999.00 per offense, suspend the sentence, defer the judgment, place the juvenile on probation, or order the minor to attend a counseling program approved by the court.

d. A child nine (9) years of age and younger cannot be held for a crime. In all cases where a child nine (9) years of age and younger is suspected of a crime, officers will generate a General Occurrence (GO) report, titled “Letter to Detective”.

- The child will be released to their parent or legal guardian. If no parent or legal guardian can be located, officers will contact the Denver Department of Human Services hotline at 720-944-3000 and ask for assistance in placement of the child.

- A copy of a Request to Appear (DPD 75) and/or Protective Custody Notice (DPD 140) will be left at the child’s residence.

(2) DEFINITIONS:
Child/Juvenile: Any person under eighteen (18) years of age
Delinquent Act: Any juvenile ten (10) years of age or older who has violated any federal or state law, or municipal ordinance, except:
- Non-felony state traffic, game and fish, and parks and recreation laws or rules.
- The offenses specified in CRS §18-13-121, concerning tobacco products.
- The offense specified in CRS §18-13-122, concerning the illegal possession or consumption of ethyl alcohol or marijuana by an underage person or illegal possession of marijuana paraphernalia by an underage person.
- Offenses specified in CRS §18-18-406(5)(a)(I), (5)(b)(I), and (5)(b)(II), concerning marijuana and marijuana concentrate.
- Any municipal ordinance except traffic ordinances, the penalty for which may be a jail sentence of more than ten days.

**Status Offenses:** Although the term “status offense” is not defined in the CRS Title 19 “Children's Code”, it is commonly used to identify non-criminal offenses which can be committed only by juveniles, which include:

- Runaway (see OMS 401.03)
- Truancy (do not take the juvenile into custody, but return him/her to school)
- Curfew

**FORMS:**
The following section identifies the usage of each form as it relates to juvenile processing. Some of the forms have usage outside of the parameters of this section. See OMS 109.02.

a. Request to Appear (DPD 75):
   This form originates when an officer desires to order a juvenile into an investigative unit for investigation of a suspected law violation other than an ordinance violation. Distribution of the form can be found on the face of the form. The 3rd copy of the order-in should accompany all other paperwork documenting the contact with the juvenile and the preliminary investigation. This paperwork should be left at the appropriate investigative section or unit, or forwarded through inter-department mail.

b. Juvenile Advisement/Waiver (DPD 102):
   Prior to questioning a juvenile about any suspected offense, officers must complete the Juvenile Advisement/Waiver form.
   1. A parent or legal guardian must be physically present during the advisement and questioning, except as provided in subparagraph 4.
   2. Prior to any questioning, the parent/guardian must be given the opportunity to confer privately with the juvenile.
   3. The advisement portion of the Juvenile Advisement/Waiver must be signed by the parent or guardian and the juvenile.
   4. The parent/guardian and the juvenile may agree to waive the presence of the parent or guardian during questioning. If so, both must sign the Waiver of Presence located on the back of the form.
   5. A bilingual juvenile suspect cannot be used as an interpreter for a non-English speaking parent/guardian for purposes of the Juvenile Advisement/Waiver and parent or guardian consent.
   6. The Juvenile Advisement/Waiver will be left with, or sent to, the appropriate investigative division, section, or unit. Final disposition of the form and all needed copies will be made by the assigned investigating officer.

c. Wanted/Missing Person (DPD 252/110):
   This form is completed by the Missing and Exploited Persons (MEP) Unit or the Juvenile Section. It records biographical and family data used by MEP detectives to confirm identity of juveniles reported missing or found.

d. Request for Apprehension of a Runaway Child (DPD 100):
   This form normally originates at the MEP Unit and is faxed to the Juvenile Section from facilities with an agreement with the MEP Unit. The form is to be signed by a guardian when reporting a
child as missing or runaway. Exception may be required to accommodate a disabled parent or guardian.

e. Unified Summons & Complaint and Statement of Probable Cause/Affidavit for Arrest Warrant (DPD 287):
The Unified Summons & Complaint may be used to order a juvenile offender directly into Denver County Court. It may also be used to apply for an arrest warrant for certain violations of the Denver Revised Municipal Code when completed and attached to a Wanted/Missing Person form (DPD 252/110).

1. Department policy and guidelines outlined by the Denver District Attorney's Office must always be followed. Questions about this policy should be immediately addressed with the Juvenile Section (24/7) at 720-913-8970.

2. Before issuing a US&C, an arresting officer must contact the clearance channel to determine if the juvenile is wanted on other charges.

3. Hand Written Unified Summons & Complaint Warrant (DPD 777W) May Be Used When:
   - A juvenile is not present and his/her identity and date of birth can be verified.
   - A juvenile is charged with a non-traffic violation designated by the Denver District Attorney’s Office to be filed in Denver County Court.
   - If an incident involves both a traffic charge (which is classified as a criminal or designated criminal violation) and another ordinance violation, the Unified Summons & Complaint/Warrant (DPD 777W) will be used for all charges.
   - If an incident also involves a traffic charge, which is classified as an Infraction, both a US&C/Warrant and a Uniform Traffic Summons and Complaint/Penalty Assessment Notice will be issued.

4. The US&C/Warrant Will Not Be Issued To a Juvenile:
   - As an order-in to an investigative division, section, or unit.
   - When the juvenile's identity cannot be verified.
   - When charging offenses for which the Denver District Attorney's Office directs a filing in Denver Juvenile Court, designated offenses and circumstances will be addressed in accordance with the provisions of OMS 401.02(2).

5. Using the US&C as a Summons:
   - The US&C form is used as a summons into court when a juvenile identified in a complaint is in custody or when an officer is in contact with a relative of a suspect who is over the age of eighteen.
   - Complete the top half of the form. Indicate the charge(s) by checking the box next to a preprinted violation or write in the violation in the "Other Violations" Section. Enter a court date at least 30 days from the incident.

6. Service:
   - Upon the defendant: a juvenile is in custody and is being served.
   - Upon a parent or relative over the age of eighteen: write in the name and relationship of the person.
   - By certified mail: a detective has established the identity, age and current address of a juvenile suspect but has been unable to serve the juvenile, the juvenile's parents or an adult member of the juvenile's family.

7. Using the US&C as a Warrant (DPD 777W):
• At a minimum, the information necessary for an arrest warrant affidavit is that sufficient probable cause exists to believe that the named suspect committed the violation, the suspect is identifiable and the officer must have the suspect's name and date of birth. Do not complete service information or assign a court date.
• If the name and date of birth are not available, a General Occurrence (GO) report must be completed.
• If sufficient identifying information is available but the named suspect or family member cannot be located, complete as much of the biographical information as possible and enter the appropriate charge(s).
• Check “Affidavit” box on a Statement of Probable Cause/Affidavit for Arrest Warrant (DPD 287) and complete the probable cause section.
• Have the form notarized and complete a Wanted/Missing Person form (DPD 252/110).
• Completed paperwork will be sent to the Identification Section in the routing envelope (DPD 236A).
• Juveniles wanted on US&C Warrants must be processed through the Juvenile Section prior to service of the warrant.
• Prior to serving a defendant for release, issue a court date at least 30 days from service of the warrant and complete the “Service” section on the bottom of the form.
• Information concerning the arrest should be noted on the back of the form under, "Arresting Officer's Notes."
• Original paperwork must be sent to the Records Unit in a scanning envelope (DPD707), for scanning.

f. General Occurrence (GO) Report:
In cases involving the following violations, officers will complete a General Occurrence (GO) Report, including victim and witness statements.
• Domestic Violence (CRS §18-6-800.3)
• Any weapons violation, including possession of a firearm by a juvenile. This includes ALL incidents involving knives (greater than 3½ inches long), BB guns, pellet guns, and all devices that throw or project a missile (if used in a menacing manner). See DRMC 38-129, Air, gas or spring operated guns.
• Offenses committed by a juvenile while in a detention center, halfway house treatment facility, shelter, or any other place used to confine juveniles.
• Assaults or threats to a school administrator, teacher, or other staff member.
• Prostitution or soliciting for prostitution.
• Sex Crimes including Indecent Exposure.
• Assaults that cause injury to the victim which requires medical treatment (including x-rays or stitches).
• Graffiti cases with the exception of Possession of Graffiti Materials. (Most cases will be charged as CRS §18-4-509 Defacing Property.)

g. Modification of Prisoner Hold (DPD 43):
The Modification of Prisoner Hold form (DPD 43) is to be used by investigative personnel only and is used to release a police hold on a juvenile held at the Denver Health Medical Center (or any other hospital) or the Gilliam Youth Services Center. This form must be hand carried, emailed or faxed to the intake screening specialist at the Denver Juvenile Service Center.
h. Protective Custody Notice/Request to Appear (DPD 140):
   This form is prepared by an officer or detective to advise a parent or guardian that a juvenile has
   been taken into protective custody by the Denver Police Department, and advises the parent or
   guardian of their parental rights. Additionally, this form serves as an order-in to the Family Crisis
   Center. Distribution instructions of the original (and copies) can be found on the face of the form.

i. Juvenile Promise to Appear (DPD 28):
   This form is to be used at the discretion of detectives, deputy district attorneys, school resource
   officers, and Juvenile Section officers only.
   - Detectives wanting to issue a Juvenile Promise to Appear (DPD 28) must first have the
     juvenile respond to the Juvenile Section for processing before service. The form must not be
     signed by the juvenile until after processing is complete.
   - Detectives can use the Juvenile Promise to Appear (DPD 28) for misdemeanor arrests (e.g.,
     unlawful sexual contact, defacing property, criminal mischief, etc.).

j. Sick and Injured Report (DPD 150):
   a. When juveniles are hospitalized and a hold order is placed, a Sick and Injured Report
      (DPD 150) will be completed in triplicate and distributed as follows:
      1. One copy will be given to the transporting paramedics or given to a Denver
         Sheriff Department deputy at the hospital.
      2. One copy will accompany the Unified Summons & Complaint. The US&C
         (including the statement of probable cause, arrest/booking slip and sick and
         injured report) will be immediately hand-carried to the Juvenile Section.
      3. One copy will be sent via inter-department mail to the Missing and Exploited
         Persons Unit.

(4) PARENT/LEGAL GUARDIAN NOTIFICATION:
   It will be the responsibility of the arresting officer to notify the parent or legal guardian of any juvenile who
   has been taken into custody.
   a. An exception to this requirement is when an off-duty officer apprehends a juvenile and turns
      him/her over to on-duty officers. It then becomes the responsibility of the on-duty officers to make
      notification and to see to the proper distribution of reports and any other paperwork.
   b. If unable to reach the parent/legal guardian by telephone, a uniformed officer will respond to the
      juvenile’s home address. If the parent/legal guardian is not at home, a note will be left on the
      door.
   c. When the juvenile resides outside the City and County of Denver, the arresting officer will notify
      the Juvenile Section and provide the address and phone number of the juvenile’s residence. The
      Juvenile Section officer will notify the law enforcement jurisdiction in which the juvenile resides
      and request that notification be made.
   d. When juveniles are taken into custody and placed in Gilliam Youth Services Center before the
      parents are contacted, the officer making notification will advise the parents to call the intake
      screening specialist at 720-913-8975.
   e. Other exceptions to this procedure are contained in OMS 401.03.

(5) DETENTION/TRANSPORT RESTRICTIONS:
   The following detention/transport procedures will apply to all juvenile arrest/custody procedures:
   a. Juveniles will not be transported in a scout car under ordinary circumstances. Exceptions may be
      authorized by a supervisor or commanding officer under unusual circumstances. Under no
      circumstance will juveniles be transported in a scout van containing adult prisoners, unless the
scout van is equipped with physical and sound barriers which separate the juvenile from any adults.

b. Juveniles will not be confined to the Van Cise/Simonet Detention Center unless ordered by a juvenile court judge.

c. Juveniles may be placed in the Juvenile Section temporary holding cells as long as the following conditions are met:
   1. Placement must not exceed six (6) hours.
   2. Juvenile offenders of different genders will not occupy the same cell.
   3. The responsibility for monitoring the activity of the juvenile while in the holding cell remains with the officer who placed the juvenile unless:
      - There are procedures at the holding cell assigning responsibility to another officer, or
      - Another officer relieves the placing officer of the responsibility.

d. Juveniles will not be detained in any secure detention facility under the following circumstances:
   - Juveniles identified as status offenders only.
   - At the request of any party to be held for corrective or punitive measures.
   - Juveniles requested to be held solely on a missing person report (except out-of-state runaways).
   - Juveniles who are not on probation and who have violated municipal ordinances, unless the ordinance violation is one that has been listed by the District Attorney's Office to be filed in the Denver Juvenile Court.

e. See OMS 113.01 for additional holding cell procedures.

Mental Health Facilities:
No juvenile who has been certified as mentally ill will be removed from a mental health facility without an order from a juvenile court judge. Any juvenile who is not certified as mentally ill may be taken into custody and officers will contact a Juvenile Section intake screening specialist to assist with disposition of the juvenile.

Holds at Hospitals other than Denver Health Medical Center:
Whenever it is necessary to place a police hold on a juvenile at a hospital other than Denver Health Medical Center, officers will call the Denver Detention Center Intake (720-337-0153 or 0154) to relay information regarding the juvenile on hold. Detention Center personnel will dispatch a Denver deputy sheriff to the facility to take custodial care of the suspect. The deputy sheriff will require a copy of the Sick and Injured report (DPD 150). The officer placing the hold must stand by until arrival of a deputy sheriff.

Arrests:

(1) Notification:
In every instance where an arrest/custody of a juvenile is made, the Juvenile Section must be contacted by phone (720-913-8970) and the information provided. The Juvenile Section will provide direction to ensure the juvenile is properly processed.

(2) Misdemeanor Arrests:
Juvenile misdemeanor arrests will be processed by taking the juvenile arrestee to the Juvenile Section for processing. The juvenile screening officer at the Juvenile Section will determine whether the juvenile arrestee will be held pursuant to the following conditions:

- Authority:
In accordance with Rule 3.7 of the Colorado Rules of Juvenile Procedure, "The Chief Judge in each judicial district or the presiding judge of the Denver Juvenile Court will designate a person(s) as officer(s) of the court with authority to determine whether a juvenile taken into temporary custody should be released to a parent, guardian, or other legal custodian, or admitted to a detention or shelter facility pending notification to the court and a detention hearing."

The Juvenile Services Planning Commission has been designated by the presiding judge of the Denver Juvenile Court to perform this function.

b. CRS misdemeanor offenses:

Juveniles arrested for a CRS misdemeanor offense may be held at the Gilliam Youth Services Center pending a detention hearing, with the approval of the intake screening specialist.

1. The arresting officer must process the juvenile through the Juvenile Section. The Juvenile Section will contact an intake screening specialist.

2. The arresting officers will consider the following aggravating factors as determinants in requesting a hold on CRS misdemeanor offenses:
   - Domestic violence or restraining order violations involved
   - Gang related criminal activity
   - Potential for immediate future harm to the victim, a witness or the juvenile
   - The juvenile arrested for a CRS misdemeanor is a runaway or missing person
   - The juvenile has an extensive record, particularly showing crimes of violence, or is on probation
   - The age of the juvenile
   - Refusal of a parent, guardian or verified relative over the age of 18 to take custody of the juvenile, coupled with the inability of the Denver Department of Human Services to locate shelter space
   - Repeat juvenile prostitution violation
   - Physical resistance to an arrest.

3. Juveniles arrested for CRS misdemeanor offenses who are not held will be released on home detention by Paramount Youth Services or given a Juvenile Promise to Appear (DPD 28) by a detective to appear in court. See OMS 401.05.

4. The decision of the intake screening specialist concerning non felony hold requests is made as the designated agent of the Denver Juvenile Court.

(3) FELONY HOLDS (MANDATORY OR DISCRETIONARY):

The arrested juvenile will be taken directly to the Juvenile Section. After processing, the juvenile will be transported to the Gilliam Youth Services Center by the arresting officer or an officer assigned to the Juvenile Section. Detention criteria for felony arrests are as follows:

a. Mandatory Felony Holds:

   Juveniles arrested for the following offenses and/or under the following conditions will be placed in the Gilliam Youth Services Center:

   1. Unless otherwise directed by the case assignment detective, any juvenile arrested for a felony offense against another person.
   2. Possession of a firearm or any offense committed with a firearm.
   3. Possession or use of an explosive or incendiary device (CRS § 18-12-109).
4. Any juvenile arson suspect whose actions caused injury to any person or whose actions constitute 1st, 2nd, or 3rd Degree Arson (CRS §18-4-102, 103, or 104). Mandatory detention may be waived by an Arson Investigator of the Denver Fire Department.

5. Juveniles arrested for a felony while being listed as a runaway/missing person.

6. Any juvenile arrested for a felony while on probation.

7. Any juvenile arrested for a felony that physically resisted arrest.

8. Juveniles not mandatorily held under the conditions of this section will be considered under the criteria of discretionary felony holds or order-in procedures.

b. Juveniles arrested for the following offenses and/or under the following conditions may be placed in the Gilliam Youth Services Center under the advisement of the Juvenile Section and intake screening specialist:

1. All residential burglary suspects 14 years of age or older.

2. All non-residential burglary suspects 16 years of age or older.

3. All auto theft suspects who also elude or attempt to elude the police.

4. Any auto theft suspect who has a prior auto theft arrest within the past twelve (12) months.

5. Any auto theft suspect arrested in a stolen vehicle from outside the City and County of Denver.

6. Any felony theft or felony theft from motor vehicle suspect 16 years of age or older who have had a felony arrest within the past twelve (12) months.

7. Unless otherwise directed by personnel assigned to the Vice/Narcotics Section, all juveniles arrested for the following offenses:

   - Unlawful distribution, manufacturing, dispensing, sale, or possession of controlled substances (CRS §18-18-405, substances defined in CRS §12-22-309 through 312).

   - Possession of eight (8) ounces or more of marijuana or any amount of marijuana concentrate (CRS §18-18-406(4) b).

   - Fraud and deceit to obtain controlled substances (CRS §12-22-315).

   - Introducing contraband in the first degree (CRS §18-8-203) or second degree (CRS §18-8-204) or possession of a contraband in the first degree (CRS §18-18-204.1).

   - The identity of the juvenile cannot be verified.

   - There is evidence that the felony conduct of the juvenile will resume immediately upon release from police custody.

   - There is evidence that the arrested juvenile has threatened a victim, witness or coconspirator prior to, during, or after arrest.

   - The parent(s), legal guardian(s) or a verified sibling age 18 or older refuses to accept custody of the juvenile.

2. Felony Traffic Offenses:

   Juveniles arrested for felony traffic offenses will be held at the discretion of the Traffic Investigation Section. See OMS 204.17(7).
3. **Home Detention:**

   Juveniles arrested for felonies who are not mandatorily or discretionarily held will be released on home detention by Paramount Youth Services. See OMS 401.04(2).

4. **Designated Ordinance Violations:**

   Arrests for those ordinance violations which are designated by the Denver District Attorney to be handled as filings in Denver Juvenile Court are processed in the same manner as misdemeanor arrests or orders. See OMS 401.01(3)f.

5. **Warrant Arrests:**

   a. Arresting officers will transport the juvenile to the Juvenile Section for warrant verification and processing. The verified warrant will be:
      1. Picked up in person at the Identification Section, or
      2. Received by FAX only at the Juvenile Section.

   b. Denver County Municipal Failure to Appear (FTA), Failure to Comply (FTC) and/or Outstanding Judgment (OJW) warrants (i.e., Denver Marshal JV warrants). These warrants will be processed as follows:
      1. After verifying the warrant, the arresting officer will complete an arrest/booking slip and present it to the Juvenile Section.
      2. The juvenile will be released to a parent/legal guardian with a new court date after processing.

   c. CJIS Warrants, Failure to Comply and Failure to Appear Juvenile Division (JD) warrants, Division of Youth (DYC) warrants, and probable cause (PC) warrants:
      1. After verifying the warrant, the arresting officer will complete an arrest/booking slip and present it to the Juvenile Section.
      2. The juvenile will be placed in an authorized detention facility (unless the warrant has a specified PR bond).

   d. School Resource officers who encounter a juvenile (at school/attending class) wanted on a Denver County Court FTA or FTC (JV) warrant will order-in the juvenile and a parent/legal guardian on a Juvenile Promise to Appear (DPD 28) to the Juvenile Section within 72 hours. The order-in will be made for 1500hrs (excluding weekends and holidays). The juvenile will not be arrested while in school/attending class on these types of warrants.

   e. Probation Violation Warrants:
      1. The intake juvenile probation officer will notify the parent or guardian of a juvenile arrested pursuant to a probation violation warrant issued by Denver Juvenile Court.
      2. CCIC/NCIC will notify the agency initiating the warrant when a juvenile is arrested pursuant to a probation violation warrant issued by another jurisdiction.

   f. The Juvenile Section will not process juveniles for these types of warrants. Officers will advise the juvenile and parent/guardian about the warrant and instruct them to contact the court:
      - Municipal traffic warrants: (M) per CRS §19-2-402(1)(b)
      - Municipal out of county warrants: (JW) and (GJ)

6. **Writs of Assistance:**

   Writs of assistance are court orders issued upon application by Denver Human Services (DHS) for the apprehension of a juvenile. They require officers to take a juvenile into custody. Denver County writs of assistance are entered into CCIC/NCIC by the Missing and Exploited Persons Unit.

   a. The caseworker at the DDHS Hotline at (720-944-3000) will be contacted to determine the placement for a juvenile apprehended pursuant to a Writ of Assistance.
401.00 JUVENILE PROCEDURES

b. The apprehending officer(s) will not be required to notify a parent or guardian.
c. Officers will complete a General Occurrence (GO) report with an offense code titled, “Letter to
   Detectives,” or they can complete a supplemental to the original report. The letter detailing
   circumstances of the contact and the outcome of the juvenile’s placement will be routed to the
   Missing Persons handle.
d. A copy of the Writ of Assistance must accompany the juvenile to the place of detention or shelter.

(7) DISPOSITION OF JUVENILES NOT HELD:
Juveniles arrested for offenses for which a mandatory felony hold is not required, for offenses in which a
discretionary felony hold is not applied, and for all other situations which the intake screening specialist
does not approve detention, may be ordered into court, issued a request to appear to a detective, given a
Promise to Appear (DPD 28) to state court by a detective, or released on home detention by the intake
screening specialist.

(8) ORDER-INS TO INVESTIGATIVE UNITS:
Order-ins may be processed by completing a Request to Appear (DPD 75), and one of the following:
a. Having a parent/legal guardian respond to any police facility to take custody of the juvenile.
b. Transporting the juvenile home if the parent/legal guardian is present but cannot respond to take
custody the juvenile.
c. If a parent/legal guardian cannot be contacted, refuses to accept the juvenile at home, or refuses
to take custody the juvenile, the juvenile will be taken to a shelter designated by the Denver
Department of Human Services Hotline (720-944-3000).

(9) ORDER-INS TO JUVENILE COURT:
A Juvenile Promise to Appear (DPD 28) will be prepared by detectives whenever a juvenile is arrested for
probable cause or pursuant to a probable cause warrant and is:
a. Taken to a shelter or release to a parent/guardian. The parent/guardian will be required to sign
   the Promise to Appear (DPD 28).
b. The appearance date will be the first working day three (3) weeks from the date of service.

(10) RESISTANCE ARRESTS:
a. Criteria:
   Juveniles arrested for resisting arrest will be charged with CRS §18-8-103, Resisting Arrest (class
two misdemeanor), when any of the following are committed by the juvenile during the resistance:
   • Any intentional behavior during the resistance that could cause injury to the officer(s).
   • Any use of a weapon by the juvenile during the course of the resistance.
   • Any attempt by the juvenile to gain control of the officer’s firearm.
   • Damage to police vehicles and/or other police property.
   • Significant damage to any other private or public property.
   • Juveniles arrested for resisting arrest who do not commit any of the above will be cited with
   DRMC 38-32 on a Unified Summons & Complaint, as permitted in OMS 401.01(3), and will
   be ordered into Courtroom 4F or 160 with an appropriate court date.

b. Officers charging juveniles with CRS §18-8-103 must complete the necessary paperwork
   including a General Occurrence (GO) report, an arrest/booking slip with probable cause
   statement, and any required statements.
   1. The approving supervisor will ensure that the criteria for charging CRS §18-8-103 has
      been properly documented.
   2. See OMS 401.02(3) for mandatory hold procedures.
(11) Violation of Liquor Code:

a. Processing:

When a juvenile is arrested for a violation of the Liquor Code (e.g., the use of false identification to obtain beer or liquor, an attempt to gain entry into an establishment prohibiting juvenile presence, or underage drinking, etc.), it is not necessary to process the person through the Juvenile Section unless identification cannot be established or other charges are pending.

1. Arresting officers will issue a Unified Summons & Complaint for violation of CRS §12-47-901, Unlawful acts.

2. Repeat offenders, if known, will be ordered-in to the Vice/Narcotics Section for 1130 hrs, Monday through Friday. The parent/guardian must accompany the juvenile and it is imperative that all reports reach the Vice/Narcotics Section prior to the order-in date/time.

3. If a juvenile is contacted drinking in a vehicle on a public way, a traffic citation may be issued for DRMC 54-127, Drinking Alcoholic Beverages Prohibited in Vehicles on a Public Way. An order-in to the Vice/Narcotics Section is not required.

4. All confiscated liquor and related evidence (i.e., false identification, etc.) will be placed in the Property Management Section.

(12) Mass Arrests:

In the event of a civil disorder or other incidents involving the arrest of a large number of juveniles, the procedures of order-in and holding in custody may not be applicable. The situation commander (or designee) will coordinate with the Chief Juvenile Probation Officer (or designee) and the regional manager of the Division of Youth Services (or designee) for arrestee disposition.

(13) Gilliam Youth Services Center – Additional Charges:

a. Officers who respond to the Gilliam Youth Center on an in-custody delinquent act will (if appropriate) complete a General Occurrence (GO) report, probable cause statement, and an arrest/booking slip. The reporting officer will notify Juvenile Section that the in-custody juvenile will need to be fingerprinted and photographed.

b. Detectives wanting to add new charges to a juvenile who is currently in-custody at the Gilliam Youth Services Center will notify the Juvenile Section of the new charges and provide a General Occurrence (GO) report and/or number and a probable cause statement. An officer assigned to the Juvenile Section will complete an arrest/booking slip, respond to the youth center to fingerprint/photograph the juvenile and notify the Identification Section of the new record.

(14) Special Needs Exceptions:

a. Medical Issues and Intoxication:

Juveniles that require medical care beyond the scope of the detention facility's level of medical service, who are visibly intoxicated, or under the influence of a controlled substance, will be taken to a hospital. The fact that a juvenile may have ingested alcohol or marijuana in the past and it does not impair their ability to function will not require them to be transported to Denver Health Medical Center if the officer determines their health and safety are not at risk. They may be placed in secure detention after being medically evaluated by Denver Health Medical Center personnel if they fit the mandatory or discretionary felony detention criteria, or with the approval of the intake screening specialist for misdemeanors or other circumstances.

Per Gilliam Youth Services Center; if a juvenile is visibly high, drunk or has used “hard drugs” in the prior 24 hours he/she must be cleared through DHMC. Required medications for any life threatening illnesses such as diabetes, asthma or heart issues, must accompany the juvenile when arrested. If the medications have not accompanied the juvenile, he/she must go to DHMC to be cleared.

b. Mental Health Considerations:
Juveniles who present a danger to themselves or others as a result of a mental disturbance will be taken to Denver Health Medical Center Psychiatric Emergency Room on a Mental Health Hold.

1. The Missing and Exploited Persons Unit will be notified with a copy of the M-1 (emergency mental health hold).

2. Juveniles held on an M-1 cannot be placed on investigative holds. If a crime has been committed, advise the affected investigative unit or complete a Request to Appear (DPD 75) for the affected investigative unit.

c. If a placement of a juvenile is made under the conditions of this section and the juvenile has been arrested for a felony or for a CRS misdemeanor, officers will complete a GO report titled, “Letter to Detective”.

(15) **RELEASE OF POLICE HOLDS:**

a. Release Prior to Detention Hearing:

Juveniles placed in the Gilliam Youth Services Center on police holds may be released from the hold prior to a detention hearing by the assigned investigative officer or supervisor only.

1. A Modification of Prisoner Hold form (DPD 43) will be used to cancel the hold.

2. A copy of the Modification of Prisoner Hold form (DPD 43) will be faxed to the intake screening specialist at Paramount Youth Services (720-302-2405). In the event of a fax failure at Paramount Youth Services, the investigative officer or supervisor will call the intake screening specialist and verbally cancel the hold at 720-913-8980. This call will be followed up with the mailing of a copy of the form to the intake screening specialist, located at Denver Juvenile Services Center (Juvenile Section), 303 W. Colfax Avenue.

3. The original copy of the Modification of Prisoner Hold form (DPD 43) will accompany the supplementary report and other investigative material to the Records Section.

b. Releasing Holds While Placed in DHMC:

Juveniles placed in Denver Health Medical Center on police holds may be released from the hold by the assigned investigative officer or supervisor.

1. A Modification of Prisoner Hold form (DPD 43) will be used to cancel the hold, and must be faxed to the Denver Sheriff Department deputy assigned to Denver Health Medical Center at 303-602-1740. The investigative officer or supervisor will also call the Juvenile Section and make notification.

2. A copy of the Modification of Prisoner Hold form (DPD 43) must accompany the supplementary report and other investigative material to the Records Section.

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(1) **LOCATING A MISSING OR RUNAWAY JUVENILE:**

Detaining officers will verify the want through NCIC/CCIC prior to initiating any of the following procedures. See OMS 308.11 for reporting requirements (new cases).

a. Runaways (Denver cases):

When officers locate a missing or runaway juvenile, they will complete a supplemental to the original report. The juvenile runaway will be:

1. Released to a parent or guardian at the scene of apprehension if the parent/guardian accepts custody.

2. Released to a responding parent/guardian at a police facility.
3. Taken home if phone contact with the parent/guardian establishes that the parent/guardian will accept custody but lacks transportation or is disabled.

4. Transported by officers to the Juvenile Section. The Juvenile Section will be responsible for finding placement.

5. Removed from NCIC after the responding officer has contacted the Juvenile Section.

b. Runaways (outside jurisdiction cases):

When a Denver police officer detains an out of Denver runaway from the metro area:

1. Custody may be transferred if a parent/legal guardian (or to a law enforcement officer from the initiating agency) is present at the scene of apprehension and is willing to take custody of the juvenile.

2. If a parent/legal guardian (or a law enforcement officer from the initiating agency) is not present, the officer will notify Denver 911 and instruct them to contact the initiating agency for the purpose of transferring custody. Denver 911 will attempt to identify a mutually agreed upon location with the initiating agency so that custody of the runaway can be transferred. Officers are not required to notify the parent/legal guardian.
   - If the initiating agency cannot respond within a reasonable amount of time, the runaway will be transported to the Juvenile Section for processing. As soon as the initiating agency is available and as staffing permits, Juvenile Section officers will transport the runaway to execute a transfer of custody.
   - If the initiating agency is unwilling or unable to take custody, the Juvenile Section will complete the necessary processing and place the runaway in a shelter designated by the Denver Department of Human Services. Placement in a shelter will be the last course of action for juveniles sought by law enforcement agencies that adjoin Denver. Juvenile Section officers will complete a General Occurrence (GO) report titled, "Letter to Detective," that will include full documentation concerning refusal by the adjoining law enforcement agency to meet Denver officers for transfer of the juvenile. The name of the person contacted, if known, will be included.

3. Apprehended out-of-state runaways will be held in a staff secure detention facility. The juvenile must be processed by arresting officers who will verify the want by taking him/her to the Juvenile Section. The Juvenile Section will maintain a list of approved staff secure detention facilities.

c. Runaways now eighteen (18) years of age or older:

The individual will be handled as adult missing person. See OMS 308.11. NOTE: The Missing and Exploited Persons Unit (MEP Unit) on-call supervisor or detective should be contacted immediately if there is any evidence that the person is not exercising free will.

d. Runaways from a Mental Health Facility:

1. Juveniles, who are certified as mentally ill, will be returned to the mental health facility if that facility is located in the City and County of Denver. Officers will contact the Juvenile Section for assistance if the facility is located outside of Denver.

2. Juveniles who are not certified as mentally ill may be returned to the facility if that facility accepts custody and it is located in the City and County of Denver. Officers will contact the Juvenile Section for assistance if the facility is located outside of Denver, or if the facility will not accept the juvenile.

3. If the juvenile runaway is also apprehended for the commission of an offense:
   - A juvenile who is certified mentally ill will be returned to the facility if it is located in the City and County of Denver. The necessary reports will be sent to the appropriate investigative division, section, or unit. The narrative of the General Occurrence (GO)
report will include a notation that the juvenile has been returned to the mental health facility and the name and phone number of a daytime contact person at the facility. Any deviation from this procedure will be by order of a juvenile court judge.

- A juvenile who is not certified as mentally ill will be processed in accordance with NORMAL arrest/custody procedures. Return of the juvenile to the mental health facility from which he/she was placed can take the place of release to parent or shelter dispositions if the facility is located in the City and County of Denver and agrees to accept return of the juvenile.

e. Runaways from the Department of Human Services Facilities:
   Officers taking custody of a juvenile wanted as a runaway from a Department of Human Services facility will first clear the juvenile for warrants and then call the originating facility to determine placement (i.e., returning to the originating facility, transported to another facility or placed in Gilliam Youth Services Center).

(2) PROTECTIVE CUSTODY:
Children taken into protective custody will not be taken to the Juvenile Section or the Police Administration Building. These children will be taken to a shelter designated by the Denver Department of Human Services Hotline (720-944-3000) or to Denver Health Medical Center.

401.04 IDENTIFICATION AND RECORDS

(1) FINGERPRINTING AND PHOTOGRAPHING:
Any juvenile placed under arrest for a felony or misdemeanor charge will be fingerprinted and photographed by an officer assigned to the Juvenile Section.

a. In the event an assigned investigating officer discovers that a juvenile’s current photograph is inadequate for identification purposes, the investigating officer may request that the Juvenile Section retake a photograph of a detained juvenile.

b. Whenever a juvenile is fingerprinted and photographed at the Gilliam Youth Services Center, an officer assigned to the Juvenile Section will respond to fingerprint and photograph the juvenile and will notify the Identification Section of the new record.

(2) DPD IDENTIFICATION NUMBER / ARREST RECORDS:
Any juvenile to be ordered-in on a COURT Promise to Appear (DPD 28) for a felony offense, gang-related offense, or weapons offense, must first be processed through the Juvenile Section to establish a DPD identification number or to add charges to an existing DPD record. It is important that juveniles are not to be served with a Juvenile Promise to Appear (DPD 28) until he/she is processed.

a. A juvenile cannot be fingerprinted or photographed if he/she is not under arrest.

b. If a juvenile is under investigation, but not under arrest, the juvenile must give permission for a photograph and fingerprints to be taken, or the investigating detective must obtain a Rule 41.1/C.R.J.P. Rule 3.4.

c. If a juvenile is to be issued a Unified Summons & Complaint, that juvenile may be fingerprinted and photographed in the Juvenile Section prior to being served with the summons. It is imperative that a juvenile not be served with a summons until after he/she is processed. Once a juvenile is served a summons, he/she cannot be processed.

(3) IDENTIFICATION SECTION FILES:
Photographs and fingerprint cards will be maintained in Identification Section files, indexed by name and DPD identification number.

a. Photographs of juveniles are available to law enforcement officers upon request.

b. Photographs of juveniles are not available to the public.
401.05 INVESTIGATIVE ORDER-INS

(1) PROCEDURE:

Juveniles may be served with an order-in to an investigative unit on a Request to Appear (DPD 75) with the following provisions:

a. The order-in will specify the time and location of the order-in, and will include the nature and location of the offense.

b. The Request to Appear (DPD 75) will not be used to order in a juvenile to an investigative unit for an ordinance violation unless the ordinance violation is one which has been designated by the Denver District Attorney's Office to be filed in Denver District Court. See OMS 401.01(3)f. All other ordinance violations will be charged on the Uniform Summons & Complaint.

c. Each order-in completed by an officer must be accompanied by a General Occurrence (GO) report, or at minimum a GO report titled "Letter to Detective". The only exceptions are those cases in which an order-in has been requested by a detective.

d. After the form is signed, the original will be given to the juvenile and the first copy to the parent/legal guardian. Copy three (3) will be left with or sent via inter-department mail to the responsible investigative division, section, or unit.

e. If the juvenile is detained at a shelter, copies one and two of the complete Request to Appear (DPD 75) will be left at the shelter for completion of service. The third copy will be sent via inter-department mail to the responsible investigative bureau, section, or unit.

f. It is imperative that the order-in and all other related documents reach the investigative division, section, or unit prior to the time of the order-in.

(2) ORDER-IN TIMES:

a. District Level Crimes:

All crimes investigated at the district level will be ordered-in into the district of occurrence at 0000 hrs on the next calendar day unless otherwise directed by a district investigator or supervisor. EXCEPTION: Officers will contact the on-call Graffiti Unit detective through Denver 911 and request an order-in date and time for graffiti related offenses.

b. Robbery (Business only) – Major Crimes Division:

The order-in will be made to the Robbery Unit at the Police Administration Building for 0900 hrs on the next calendar day unless otherwise directed by a Robbery Unit detective or supervisor. NOTE: Street robberies are investigated at the district level.

c. Vice/Narcotics Section – Investigative Support Division:

All vice related offenses will be ordered-in to the Vice/Narcotics Section (room 310) at the Police Administration Building for 1800 hrs, Tuesday through Saturday, unless otherwise directed by the Vice/Narcotics detective or supervisor. NOTE: Drug related offenses are investigated at the district level.

d. Traffic Investigation Unit:

All traffic offenses will be ordered-in to the Traffic Investigation Unit (3381 Park Avenue West) for 0830 hrs on the next calendar day unless otherwise directed by a Traffic Investigation Unit detective or supervisor.
501.01  **Chain of Command**

(1)  **Authority of Supervisors and Command Officers:**
Department personnel will be required to take direct orders from, and be directly responsible to, one supervisory officer, except as otherwise provided herein.

a. Orders related to departmental policy or procedure will emanate from the Chief of Police and will be directed to the level of execution through bureaus and then by succession of the several levels of rank in each division as they are applicable, in such a way that department personnel will receive such orders or directives from their immediate supervisor.

b. Any such occurrence requiring departure from an order, or any part thereof, will be reported at once to the commanding officer on-duty next in the chain of command.

c. Supervisory direction from outside an officer's regular chain of command is detailed in Duty and Responsibility 4.05.

(2)  **Ranking Officer at Crime Scenes and Other Incidents:**
Ranking officers will:

a. Return to service all personnel not needed at the scene.

b. Assume command of the scene investigation and immediate area until relieved by higher authority or as determined by policy.

c. Direct all uniformed and investigative personnel, including supervisors, so that their efforts and skills can be fully utilized. Investigative or specialized personnel may oversee the immediate crime scene or area as determined by policy.

d. When appropriate and prior to his/her arrival, review progress of the investigation/response and ensure all phases are properly addressed and documented.

e. In cases of homicide or other serious felonies, will cause the commanding officer of their assignment and the affected investigative division, section, or unit to be notified. See OMS 301.15.

f. Determine if a crime scene is to be protected after completion of the original investigation, and make the necessary arrangement of uniformed personnel if needed.

g. When appropriate and reasonable, the district commander will take charge of all such actions in their district, when available. Upon arrival of the district commander, he/she will be the incident commander unless relieved by higher authority, or this responsibility is delegated; however, the immediate scene or area may be under the command of a lower ranking officer as determined by policy.

(3)  **Suggestions for the Improvement of Service:**
Department personnel who wish to make suggestions for the improvement of service may communicate in writing through official channels to the:

a. Department personnel's supervisor / commander / director

b. Planning, Research and Support Section (dpdplanning@denvergov.org)

c. Chief of Police

(4)  **Operations Manual Corrections - Minor:**
Department personnel may notify the Planning, Research and Support Section of minor errors (e.g., spelling, punctuation, unit designations, etc.) at dpdplanning@denvergov.org. Requests for changes to
procedures or policy will be handled per section (3).

(5) **REQUESTS, COMPLAINTS, SUGGESTIONS, IRREGULARITIES – CHANNELS:**

All requests, complaints, suggestions, or reports of occurrences of irregularities regarding policies, procedures, or assignments of the police department will be directed through channels as follows:

a. Department personnel will direct all requests, complaints, reports, or suggestions to their immediate supervisor in writing. A DPD 200 will be used for such communication unless prepared forms are provided, and may be submitted in person or by email to the appropriate person/entity.

1. **EXCEPTIONS:** If the complaint is against the officer's immediate supervisor, the officer may direct the initial communication to the officer next higher in rank within the division.

2. Any officer or employee of this department who feels threatened in any manner, or feels that the integrity of the department is in jeopardy, is authorized to report this situation directly to the Chief of Police or to the commanding officer of the Internal Affairs Division without reporting first to his/her supervisory officer.

3. All department personnel receiving such communications from a subordinate will respond accordingly as soon as practical.

b. Department personnel receiving a reply from their immediate supervisor in answer to such communication that is not satisfactory, may direct a communication to the officer next higher in rank in their division/district. Such communication will include a copy of the communication to their immediate supervisor and a copy of their reply. This process may be carried as far as the Office of the Executive Director of Safety so long as each succeeding level of command within the division/district has given a reply.

c. Except as may be otherwise provided by Denver Civil Service regulations or department policy, such communications will not be directed to any office outside the Department of Safety without the written permission of the Chief of Police and the Executive Director of Safety.

d. Department personnel will be free to seek advice and counsel or obtain the assistance of other officers in the classified service in their presentation of a complaint at any command level, as long as all involved parties in such complaint restrict their activity to the provisions of this chain of command procedure.

1. In complaints reaching the level of division commander or higher without solution, complaining department personnel may be represented by duly authorized members of the Denver Police Protective Association or by private legal counsel.

2. Any officer in the classified service who so assists another officer in the presentation of any complaint will not be penalized or prejudiced in any manner because of such presentation.

(6) **TRAINING BULLETIN REQUESTS:**

Requests for publication of training bulletins will be processed as follows:

a. The requesting department personnel will submit the proposed training bulletin through the chain of command to the applicable deputy chief for review. The deputy chief will approve or deny the request, or direct that revisions be made prior to its publication.

b. Upon approval, the deputy chief will forward the training bulletin to the Planning, Research and Support Section for publication.

c. The Planning, Research and Support Section will review the training bulletin for spelling, grammar, formatting, etc., and make such revision as may be necessary. The training bulletin will then be published through PowerDMS for review and acknowledgement by designated personnel.
(7) **PROPOSED LAW CHANGES AND LEGAL OPINIONS:**

All matters related to proposed resolutions, new ordinance initiation or current ordinance amendment must be processed through the chain of command to the Executive Director of Safety's Office prior to being considered for the mayor-council or city council agenda. Additionally, requests for legal research, opinion or drafting of such matters will be forwarded to the Denver City Attorney's Office only after being processed through the chain of command and via the Executive Director of Safety's Office.

The Chief of Police may authorize designated personnel to confer with the Denver City Attorney’s Office for legal opinions and policy/procedure development.

(8) **LOBBYING:**

Only the Chief of Police (or designee) may engage in lobbying reflecting the official position of the Denver Police Department at the city council or the state legislature. Any officer desiring to take part in the lobbying process will contact, in writing, the Deputy Chief of Administration through the chain of command. This will also include any testimony at either city council or the state legislature.

(9) **REPRESENTATIVES OF EMPLOYEE ORGANIZATIONS:**

Representatives of employee organizations, when conducting organization business, are not restricted by the chain of command of their respective assignments.

### 501.02 ALLOTMENT AND ASSIGNMENT OF PERSONNEL

(1) **RESPONSIBILITY:**

District stations have the basic responsibility of providing efficient and complete patrol service twenty-four (24) hours a day, every day, as well as designated investigative functions. This must be a paramount consideration of commanders and is their basic responsibility that the public receive high quality and efficient service and protection.

a. Days off, vacation, sick leave, and other absences (when possible) will be planned and calculated to operate with effective staffing levels. Emergencies and/or extenuating circumstances may impact staffing levels.

b. Days off, vacation, sick leave, and other absences (when possible) will be planned and computed to efficiently operate under established staffing requirements. Emergencies and/or extenuating circumstances may impact staffing levels.

c. When possible and appropriate, supervisors may accommodate scheduling requests for training and higher education.

d. At all times, supervisory officers will be present during shift changes barring an emergency or if assigned to a call for service.

(2) **SPOUSAL considErvAtIoNS:**

Officers who are married to each other will be allowed to work the same bureau, division, district, section, unit, or detail, but will not be allowed to work the same assignment as partners.

### 501.03 PUNCTUALITY

(1) **ROLL CALL - UNIFORMED OPERATIONAL ASSIGNMENTS:**

a. Roll calls will be conducted in a professional manner. Commands and execution by the ranks should be in conformance with traditional police procedures.

b. Personnel inspections should be performed by a command or supervisory officer at least once per work period. All officers will be properly groomed, attired and equipped.

c. Command and supervisory officers will make daily assignments, read pertinent orders and information, and conduct or arrange for necessary roll call training.
d. All information read or disseminated at roll call must have prior approval from a supervisor or command officer. The approving officer will make certain that the information is current, valid, and appropriate. The approving officer will then affix his/her initials, serial number, and date approved to the item before placing it on the roll call clipboard. After the item has been presented at roll calls for the appropriate duration, it will be placed in a chronological file at the assignment and retained for one year.

(2) **Penalties:**

a. Whenever an officer is late, the on-duty supervisor of the officer involved will document the incident as a journal entry in his/her performance evaluation record and indicate whether the lateness is excused or unexcused. The supervisor will inform the officer of the journal entry at the earliest reasonable opportunity.

b. All incidents of unexcused lateness will, at a minimum, be entered in an officer’s performance evaluation. The first such incident of lateness will result in an oral admonition and counseling of the officer as to the potential minimum penalties for repeat violations. Minimum penalty assessments for subsequent sustained violations are as follows:

1. 2nd unexcused violation: oral reprimand.
2. 3rd unexcused violation: written reprimand.
3. 4th unexcused violation: fine of eight (8) hours off.
4. Subsequent unexcused violations will be dealt with more severely.
5. The Chief of Police (or designee) may elect to treat an officer having six (6) unexcused violations within any twelve (12) consecutive months or nine (9) unexcused violations within any three (3) consecutive years as a chronic offender. Discipline of chronic offenders will be imposed separate and apart from the provisions of this policy and the penalty therefore may be based on an officer’s entire attendance history.

501.04 **Department Mail**

(1) **Policy:**

Command officers (or designees) will ensure that mail will be delivered to the Records Unit (Police Administration Building – room 420) at the proper times:

a. District Stations:
   Mail will be delivered on all days at 0400 and 1800 hours.

b. Traffic Operations:
   Mail will be delivered on all days at 1500 and 2400 hours.

c. All other assignments will ensure that mail is delivered and received in a timely manner.

501.05 **Address and Telephone Number**

(1) **Requirement:**

All department personnel will have a phone available at his/her place of residence.

(2) **Addresses in TeleStaff:**

Department personnel are not authorized to enter or update their address within TeleStaff. To ensure TeleStaff is accurate, department personnel will submit this information to the Safety Human Resources Division within 24-hours of changing their address. Addresses must be regular street addresses; post office box and route numbers are not acceptable.

(3) **Phone Numbers in TeleStaff:**
Within 24-hours of obtaining a new telephone number, officers will ensure that TeleStaff reflects the change.

a. **Changing and/or Adding Telephone Numbers in TeleStaff**

To ensure uniformity, all department personnel will follow the below protocol when making entries in TeleStaff:

<table>
<thead>
<tr>
<th>Contact</th>
<th>Phone Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>Work assignment desk number</td>
</tr>
<tr>
<td>2nd</td>
<td>Work assignment cellular number</td>
</tr>
<tr>
<td>3rd</td>
<td>Personal cellular number</td>
</tr>
<tr>
<td>4th</td>
<td>Home telephone number</td>
</tr>
</tbody>
</table>

b. Officer lookup will only display the 1st and 2nd contacts. Personal phone numbers entered in the 3rd and 4th contacts will only be viewed in TeleStaff by approved personnel (the rank of sergeant or higher).

c. All officers are required to have an off-duty contact phone number in case of emergencies. If an officer does not have a department assigned cell phone, the officer is required to provide at least one personal contact phone number.

d. CS employees will follow the policy set by their commanding officer or director, and at a minimum, will enter their work assignment desk phone and work assignment cellular phone numbers.

(4) **Driver License Information:**

Officers’ Colorado Driver License and Colorado Motor Vehicle Registration(s) will state the officer’s current residential address or post office box in his/her municipality or county of residence. This is a Colorado Department of Motor Vehicle prerequisite, required by the Colorado Revised Statutes.

501.06 **Emergency Information File**

(1) **Contact Information Requirement:**

Police officers and CS employees are responsible for ensuring that their emergency contact information is complete and accurate at all times and will notify the Safety Human Resource Management Division of changes within 72 hours. Upon notification, the Safety Human Resource Management Division will forward to the officer or CS employee the appropriate forms and instructions.

a. Officers and CS employees will follow all instructions provided by the Safety Human Resource Management Division regarding form completion and DOT data entry.

b. Officers will also receive instructions from the Safety Human Resource Management Division regarding notification of Colorado POST.

c. The Safety Human Resources Management Division will complete data entry using the completed forms. This information will then be available for use by command and supervisory personnel.

501.07 **Changes in Marital or Family Status Affecting Medical Benefits:**

(1)Within thirty (30) days of any changes pertaining to marital or family status which would affect their medical benefits, it is the responsibility of each officer or CS employee to notify the Safety Human Resources Management Division.
501.08 Incurred Expenses in Connection with Official Duties

(1) **Policy:**
Officers who necessarily incur expenses in connection with their official duties, and for which the department is responsible, will promptly submit to the commanding officer under whose immediate direction the expense was incurred, an itemized account of such expenditure together with all required receipt(s).

a. No petty cash purchases will be made without first receiving authorization from the Police Department Financial Services Section. Requests for petty cash will be made in writing on the Request for Service or Supplies (DPD 201) and submitted to the Financial Services Section. A request must specify the item to be purchased, the cost, and justification (i.e., why the department should be responsible for the purchase). The responsibility for compliance rests with the commanding officer of the bureau, division, section, detail, or unit making the request for a petty cash purchase.

(2) **Loss, Damage, and/or Replacement of Personal Property:**

a. In the event of loss or damage to personal property during an official police action, the officer will exhaust all legal means of replacing such personal property. The arrested party will be charged with Destruction of Private Property (DRMC 38-71). The Unified Summons and Complaint should indicate the damage and approximate replacement cost.

b. Only under extreme circumstances, when every other legal recourse has been exhausted and when the officer can show that the cost of replacement will be more than the department equipment allowance for the current year, will an officer be reimbursed for loss or damage that has occurred to his/her personal property. The final decision for replacement of personal property will be made by the Financial Services Section in consultation with the Chief of Police (or designee).

501.09 Physical Fitness

(1) **Generally:**
In the interest of departmental efficiency and effectiveness, all officers are required to keep themselves in good physical condition. Because the department has no established physical fitness program, the following policies have been established to encourage physical activity.

(2) **Athletic Teams and Sports Programs:**

a. Athletic teams and sports programs may be arranged. Department personnel are encouraged to participate; however, participation is strictly voluntary.

1. As far as possible, officers will attempt to arrange their work schedule to participate in recreational activity during off-duty hours.

2. At the discretion of his/her commanding officer, an officer may be relieved from duty to participate in an authorized program. Time used in this manner will be returned to the department on the same work day in TeleStaff.

b. Athletic teams performing under the name of the Denver Police Department must have the approval of the Chief of Police.

1. Officers participating on an approved athletic team or other group of recreational activity under the name of the Denver Police Department will be considered on-duty and subject to the rulings and discipline of the Chief of Police or other officers delegated to act as coaches or managers.

2. Officers participating on athletic teams or in other group recreational activity under the name of the Denver Police Department will always conduct themselves appropriately and in the interest of good sportsmanship to exemplify the best possible public relations.
3. Only athletic teams or other group recreational activity sponsored or authorized by the City and County of Denver, the police department, and employee organizations will be considered for approval by the Chief of Police.

(3) **On-Duty Exercise:**

The purpose of this policy is to provide guidelines for officers electing to voluntarily exercise on their mealtime (long 7). The Denver Police Department believes in helping officers achieve and maintain a healthy physical condition and thus will allow officers to voluntarily exercise during their mealtime. The benefits of maintaining a consistent exercise routine include:

- Reduced likelihood of physical, mental, and emotional ailments common to law enforcement officers such as, but not limited to; obesity, diabetes, high cholesterol, hypertension, anxiety, depression, and stroke.
- Increased resistance to injury or illnesses, and quicker recovery and healing in times of adversity, stress, and trauma to the mind and body.
- Protection against common neck, back, shoulder and knee injuries, as well as muscle pulls and tear injuries observed in police officers due to their profession.
- Stronger resiliency and ability to manage daily life stressors which, if not integrated properly may cause illness, injury, high absenteeism, citizen complaints, fatigue related issues, eating disorders, lack of critical thinking skills, burnout, and loss of engagement with work.
- Proven positive outlet for stress reduction.

**Participation Requirements:**

a. Participation in on-duty mealtime exercise is encouraged but not mandatory.

b. Officers must weigh the benefits of engaging in an exercise routine against the risk of injury associated with any physical fitness program. On-duty mealtime exercise is elective and any injury incurred because of engaging in an on-duty mealtime exercise will not be covered by The City and County of Denver, including any Workers’ Compensation Claims.

c. Officers engaging in on-duty mealtime exercise must sign a one-time liability Hold Harmless Waiver (available on DPDWeb under Wellness) indemnifying the Denver Police Department from any liability. Waivers must be signed and placed in officers’ personnel file at their respective work assignments prior to any on-duty exercise.

d. All on-duty mealtime exercise must be performed in a police department facility. Officers are not permitted to utilize a commercial or home gym while exercising during their mealtime.

e. Officers may engage in on-duty mealtime exercise with consideration to the needs of the department as it pertains to call load, staffing, the availability of cover, and timely response. Similar to the policy that pertains to meal breaks; the ability to exercise on-duty is a privilege and not a right and is subject to the approval of a dispatcher or supervisory officer.

f. Officers who elect to exercise during their mealtime are expected to be available to respond to any emergency (i.e., in full uniform, if required or plainclothes, if applicable) within three (3) minutes.

g. Officers must be in possession of their department issued radio while performing their exercise routine and will monitor their respective radio traffic to remain aware of call load volume and the potential need to respond to emergencies.

h. Officers injured while participating in on-duty exercise will report their injuries consistent with the department’s current and existing policy and procedures pertaining to non-line of duty related injuries. Officers placed on Limited Duty status due to injuries received while participating in on-duty exercise are prohibited from participating in further on-duty exercise until released to full duty status, unless prescribed in writing by their personal physician and/or physical therapist.
501.10 **Detective, Corporal, and Technician Selection**

(1) **Requirements:**

The positions of detective, corporal and technician are appointed. These appointments are made at the direction of the Chief of Police and will continue only so long as he/she deems them necessary to department operations. NOTE: Selection for detective positions in the Executive Security Unit and the Internal Affairs Division are exempt from this selection procedure.

a. Minimum eligibility requirements:
   1. Applicants must be the rank of a police officer 1st grade and below the rank of sergeant.
   2. Lateral hires must be a Police Officer 1st Grade and have 36 months of continuous service from their date of graduation from the police academy.

b. Discipline History Assessment:

   Applicants will be ineligible for an appointed position based on the same criteria used in the most recent Civil Service sergeant promotional process. Automatic disqualifiers can be accessed at [www.denvergov.org/civilservice/](http://www.denvergov.org/civilservice/)

c. Additional requirements may apply.

(2) **Vacancy Announcement:**

When filling a vacancy, the commanding officer of the affected division/district (or designee) will announce the vacancy and application requirements in the Daily Bulletin for at least two weeks prior to the application deadline. The commanding officer (or designee) will cause the vacancy announcement to be posted in a prominent area, if one is available, within the confines of the division/district. If the announcement is to initiate the process to compile a roster of eligible candidates for future appointment, it should include that information. Division/district commanders will incorporate candidate interviews as part of the selection process.

(3) **Candidate Application Packet:**

Minimum requirements:

a. Cover letter (one page maximum) and personal résumé (two-page maximum).

b. Sustained complaint report of the prior five (5) years, obtained from Internal Affairs Division.

c. Supervisor’s situational records and/or performance evaluation reports for the prior three years.

(4) **Official Notification:**

At the completion of the interview process, candidates will be notified of the results by the commanding officer of the division/district (or designee). Results will stipulate whether the candidate was acceptable or not acceptable for the position, and whether the candidate will be placed on an eligibility roster.

a. If the interview process was to compile a roster of eligible candidates for future appointment, it will be posted with candidates listed alphabetically. The eligibility roster must include an expiration date (one year minimum).

b. Commanders may extend an eligibility roster, with approval of their deputy chief, for a maximum of two years from the completion date of the original interviews.

(6) **Selection Standards:**

Commanders of the Major Crimes Division, Investigative Support Division, Special Operations Division and districts, may establish selection standards for detective training and final appointment within their assignment.

(7) **Tenure:**

Officers in appointed positions may remain in their assignment so long as their performance and conduct is satisfactory to the Chief of Police.
501.11 **Sergeant Assignment Selection Process**

(1) **Division / District Vacancies:**
Sergeant vacancies within the following divisions and districts will be announced and posted for a minimum of two weeks in the Daily Bulletin:
- Administration Management
- District Investigations
- Investigative Support
- Major Crimes
- Operations Support
- Special Operations
- Specialized Airport Police positions (K-9, investigations, etc.)
- Training

(2) **Bulletin Announcement:**
The bulletin announcement will contain the following information:
- Requests for letters of interest.
- Name of the commander (or designee) to address and forward letters of interest.
- Deadline date to submit letters of interest and other required documents.
- Additional requirements, if any, specific to the assignment.
- The commander (or designee) will initiate contact with the sergeant(s) if further information is required.

(3) **District Patrol Sergeants:**
Sergeants requesting assignment to a district station will submit a Request for Transfer of Assignment (DPD 49) through the appropriate chain of command.

(4) **Executive Security Unit, Internal Affairs Division, Conduct Review Division:**
Selection for sergeant vacancies in the Executive Security Unit, the Internal Affairs Division, and the Conduct Review Division are exempt from this procedure.
503.00 PERFORMANCE

503.01 COMPLAINT AND DISCIPLINE PROCEDURES FOR SWORN OFFICERS

(1) Policy:
The policy of the Denver Police department in creating a complaint and discipline process is to establish a set of accountability standards that address how complaints of officer misconduct are made, filtered, processed and evaluated at all levels. These standards are driven by the mission, vision and value statements of the department, and find as their chief cornerstones the Law Enforcement Code of Ethics and the rules and regulations of the department. These documents set the foundation for accountability of the department and its members to citizens whom it serves, to the greater law enforcement community of which it is a member and to the Constitution of the United States, which the department has sworn to uphold.

The department recognizes the vital importance of the internal investigation process and that no system of discipline can be effective without investigations that can be considered by members of the department and the general public as unbiased and trustworthy. The department is committed to investigating all allegations of officer misconduct in a fair, thorough and timely manner in accordance with accepted department policies and procedures. Such investigations must be conducted with full regard for the Officer’s Bill of Rights and all other rights and respect due to fellow officers. Likewise, they must be conducted with regard for the rights and respect due to non-sworn members of the department, all complainants and witnesses and all other citizens. The administration of the discipline process will not discriminate against anyone on the actual or perceived basis of race, color, creed, national origin, ancestry, gender, sexual orientation, age, religion, political affiliation, physical or mental disability, military status, marital status, or other basis protected by Federal, State, or local law or regulation. The department further believes that truthfulness is vital in an internal investigation and is expected and demanded from all department personnel who may be the subject of or a witness in an investigation.

Lastly, the department understands that timeliness in the investigation of misconduct allegations, and when warranted the imposition of discipline, are critical components of the complaint and discipline process. Unnecessary delays may be unfair to the involved officers, community members alleging or harmed by officer misconduct and the department as a whole, and will be avoided to the extent possible. However, issues related to timeliness are not considered mitigating factors, or grounds to decline the imposition of discipline.

This policy applies only to members of the classified service of the Denver Police Department.

(2) Guidelines and Definitions:
Subject Officer: The officer under investigation for possible misconduct.
Complaint: An allegation of misconduct.
Service Complaint: A citizen complaint that pertains generally to services or policies of the department but which is not an allegation of misconduct against an employee.
Misconduct: A violation of a law, policy, procedure, or rule and regulation. There are several classifications of misconduct:
• Minor Misconduct: Potential violations of policy or procedure that have minimal adverse impact on the operation or integrity of the department and that are not likely to result in a formal disciplinary action against a named employee.
• Pattern Misconduct: A pattern of potential misconduct by an officer or group of officers that includes, but is not limited to, allegations or complaints over time that indicate conduct of more
concern than that created by infrequent or isolated incidents of citizen complaints or unacceptable conduct.

- **General Misconduct:** All potential violations that do not fall into the categories of minor, serious, or pattern misconduct are considered general misconduct. Examples of general misconduct include but are not limited to: violation of a policy that requires a fixed penalty such as failure to attend court, failure to attend scheduled training, or failure to complete firearms qualification.

- **Serious Misconduct (including Conduct Prohibited by Law):** Potential violations of policies, procedures, rules, or regulations that have an adverse impact on the operation or integrity of the department and that, if proven, would likely result in formal disciplinary action against a named employee. Investigations involving allegations of serious misconduct or law violations will be conducted by the Internal Affairs Division. Examples of serious misconduct include but are not limited to: commission of a deceptive act, sexual misconduct, inappropriate force, harassment, discrimination, and conduct prohibited by law.

**Complaint Intake:** The initial fact finding stage of an investigation in which a sergeant or above determines whether or not the complaint, if true, would constitute misconduct, or if the issue amounts to a service complaint.

**Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines:** The official guide adopted by the Executive Director of Safety and Chief of Police to be utilized by all persons responsible for making disciplinary recommendations and determinations. The Discipline Handbook sets forth the procedures for determining whether officers have violated DPD rules or policies and, if so, guidelines for making penalty recommendations and determinations.

**Discipline Matrix:** The official guide adopted by the Executive Director of Safety and Chief of Police establishing penalty ranges and limits for misconduct to be utilized when making penalty recommendations and determinations.

**Dismissal:** The Chief of Police (or designee) may elect not to investigate and thereby dismiss certain complaints. The grounds for dismissal of complaints are outlined in OMS 503.01(5).

**Formal Investigation:** All allegations of misconduct that are not classified as minor misconduct, service complaints, or dismissals will be formally investigated. An Internal Affairs Division complaint number will be issued for each formal investigation and an official disposition will be handled by the Internal Affairs Division, with the exception of scheduled discipline, which will be conducted by the subject officer’s chain of command. Nothing will prevent division or district level supervisory or command officers from conducting an initial investigation prior to forwarding the issue to the Internal Affairs Division for a full investigation per procedures outlined in OMS 503.01.

**Informal Investigation:** Informal investigations are conducted when there is a complaint of minor misconduct. If applicable, the investigation should include debriefing the subject officer regarding a complainant’s concerns about the officer’s actions or quality of service. The informal investigation is an expedited process that does not result in a formal finding or the imposition of discipline.

**Investigative Review Process (IRP):** The Investigative Review Process (IRP) is a review process consisting of two (2) phases. Phase I consists of a review by the subject officer (and his or her representative) of the Internal Affairs Division (IAD) investigative reports. Phase II consists of a meeting between the subject officer, his or her representative, the investigating officer, and the IAD commander with the intent of reaching an agreement as to the material facts of the case.

**Deliberative Process:** The Office of the Independent Monitor, the Citizen Oversight Board, and the officers and citizens who serve on the department’s internal review boards such as, Use of Force Review Board, and Tactics Review Board are all part of the city’s deliberative process regarding investigative and disciplinary procedures for sworn personnel. As such, all information learned by any of those persons or groups during the exercise of their duties will be protected by the deliberative process privilege.
Scheduled Discipline: Those rules, regulations, and policies for which violations carry penalties that are defined by a table or schedule. A complete listing of these policies can be found in Appendix F of the Discipline Handbook.

(3) ROLES AND RESPONSIBILITIES:

a. Individual Officer Responsibility:
   1. All officers of the department will report possible misconduct by other officers to a supervisor, command officer, or the IAD regardless of whether the reporting officer has firsthand knowledge of, or has otherwise learned of, the alleged misconduct. If the possible misconduct involves the officer’s supervisor or command officer, the reporting officer may report the possible misconduct directly to the IAD, the Office of the Independent Monitor (OIM) or the Chief of Police.
   2. When any member of the Denver Police department (on or off-duty) is involved in an incident occurring within the City and County of Denver, that requires, or may require police attention, the investigating officer or the involved officer will immediately notify a Denver Police department supervisor, command officer, or IAD. For incidents occurring outside the City and County of Denver, the involved officer may request that the investigating officer make the notification; however, the ultimate responsibility for notification lies with the involved officer.

b. Mandatory notification requirements apply to the following circumstances:
   1. An off-duty officer exercises police authority that results in an arrest and/or use of force.
   2. **On-duty motor vehicle accidents in the City and County of Denver:**
      A supervisor or command officer will be notified immediately when an employee is involved in a traffic accident while on duty, whether or not there is property damage or injury. If the accident occurs within the City and County of Denver, a supervisory or command officer will respond to the scene and determine the appropriate course of action.
   3. **On-duty motor vehicle accidents outside the City and County of Denver:**
      A supervisor or command officer will be notified and will make a determination as to whether their response or that of the Internal Affairs Division is required based on the criteria outlined in OMS 503.01(4).
   4. **Off-duty motor vehicle accidents in the City and County of Denver:**
      When an off duty Denver police officer, driving his/her private vehicle is involved in a traffic accident occurring within the city limits, and at least one of the criteria in OMS 203.02(1) is present, the officer will notify Denver 911 and request that an on-duty officer be sent to the scene to investigate the accident. The investigating officer will also notify a supervisor who will respond to the scene and ensure a thorough investigation. If appropriate, charges will be placed against one or more involved drivers.
   5. Any sworn personnel who becomes aware that he or she is under investigation, or charged with any crime.
   6. An officer is the victim of a crime (crimes against persons’ statute or ordinance) and police are notified, or reasonably should have been notified.
   7. An officer is arrested, charged, or convicted of a criminal offense.
   8. An officer is charged with a traffic offense of eight (8) or more points.
   9. An officer’s driving privileges are suspended or revoked.
   10. An officer is served with a restraining/protection order issued as a result of alleged domestic violence or criminal activity.
11. Any incident that has the potential for police involvement, or could have a pronounced negative impact on the professional image of the department, and the officer is directly involved.

c. Officers will cooperate in a department investigation and will answer questions by, or render material and relevant statements to, the appropriate supervisor, command officer, or IAD investigating officer. Officers will answer all questions fully and truthfully and will not omit any material facts.

d. For the duration of the complaint process, including the complaint intake, formal investigation, and IRP, the subject officer and his or her representative are prohibited from contacting and/or interviewing any witnesses or conducting any type of investigation into the allegations. The only officers authorized to interview witnesses or the subject officer, or to conduct any further investigation of a case on behalf of the department or its members are those investigating officers designated by the Commander of IAD or the Chief of Police.

e. A subject officer will not be armed during a pre-disciplinary meeting (Chief’s Hearing) with the Chief of Police (or designee).

f. General Supervisor and Command Officer Responsibilities:

1. A supervisor or command officer must assume the duties and obligations of his or her rank in the investigation of misconduct by police personnel.

2. A supervisor or command officer will continually examine areas of the police operation under his or her purview.

3. A supervisor or command officer will not look to higher authority to initiate investigations when the actions in question are within his or her own authority.

4. The Internal Affairs Division may be requested when the complexity of the case justifies such assistance.

5. A supervisor or command officer of a bureau, division or district will resolve minor procedural violations in accordance with this policy. If the supervisor/command officer determines that training, oral admonishment, counseling, etc. is an appropriate action involving an employee, the command officer will be responsible for ensuring that the training, oral admonishment, counseling, etc., is accomplished and documented.

6. A supervisor or command officer of a bureau, division or district will conduct an investigation in accordance with this policy.

7. A supervisor or command officer of a bureau, division or district will immediately report to IAD all allegations of serious misconduct, including conduct prohibited by law.

8. A supervisor or command officer of a bureau, division or district will, in a timely manner, notify the IAD regarding allegations of general misconduct or pattern misconduct that is not serious in nature and does not constitute conduct prohibited by law.

9. Supervisors and command officers will obtain the assistance of IAD or a superior officer when assistance is needed with the complaint process or while conducting a complaint intake or investigation.

10. If a supervisor or command officer observes or learns of possible misconduct by an officer not under his or her supervision, the supervisor or command officer will notify the supervisor or command officer of the subject officer. (See OMS Duties and Responsibilities section regarding responsibilities of all supervisory officers [including command officers] with respect to discipline and conduct of officers.)

11. Any command officer (or supervisor, with the approval of a higher ranking officer) may relieve an officer of duty when the charges are of a serious nature and it appears that such action would be in the best interest of the department or the officer. Officers will surrender their badges and identification cards when relieved of duty.
12. Whenever it becomes necessary to place a Denver police officer in any detention facility, the ranking supervisor or command officer handling the case will immediately relieve the officer of duty and retain all department property in the officer’s possession. Requests to hold or obtain the subject officer’s police uniform will be made to the proper authority in the detention facility. The ranking supervisor or command officer will immediately notify the IAD of the subject officer’s detention or incarceration.

13. The IAD commander, the Chief of Police or the Executive Director of Safety will report all allegations of serious misconduct, including conduct prohibited by law to the Office of the Independent Monitor within three business days of becoming aware of the allegations.

14. Investigating Supervisor and Command Officer Responsibility:

1. The bureau deputy chief, or division or district commander will review the matter to determine whether the investigation should be conducted at the bureau, division or district level or forwarded to the IAD. The bureau deputy chief, or division or district commander is responsible for ensuring that all original reports, forms, related documentation, and materials collected during the intake process are sent to the IAD along with a request for a formal investigation.

2. When alleged misconduct is classified as serious misconduct, including conduct prohibited by law, the supervisor or command officer will immediately contact the IAD, which will coordinate the intake for such allegations. The commanding officer of a subject officer will ensure that complaints are processed as required by this policy.

3. The bureau deputy chief or commander of the division or district will be responsible for monitoring the performance and conduct of employees under his or her command and, if any conduct indicates an emerging pattern of unacceptable behavior, the bureau deputy chief or commander will initiate actions to correct the behavior, including advising the involved employees that any further allegation of a pattern of unacceptable behavior may be handled as a formal investigation.

15. Internal Affairs Division (IAD) Authority and Responsibilities:

1. Officers of the IAD act directly pursuant to the command and with the authority of the Chief of Police. They have the authority to require any officer of the department, regardless of rank or appointment, to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with that officer’s, or any other officer’s departmental duties and obligations. The IAD commander may, at his/her discretion, investigate any complaint lodged against any other officer of the department, regardless of rank or appointment.

2. Upon receipt of information from an officer or supervisor regarding an allegation of serious or pattern misconduct, the IAD will immediately begin a formal investigation into the allegations.

3. The IAD will have the full authority to conduct an investigation without interference from any officer.

4. The primary duty of the IAD will be to ensure the integrity of the department. The IAD will direct its efforts toward conducting an efficient, impartial, prompt, and complete investigation of allegations of misconduct by officers of the department.

5. The IAD will maintain files of disciplinary investigations pursuant to the applicable document retention schedule of the department and the city. The files will contain all complaints, final dispositions, supporting documents, and other investigative material pertaining to disciplinary cases.

The Office of the Independent Monitor will actively monitor and participate in any criminal investigation of the incidents set forth. In addition, IAD will investigate any incident set forth below and the monitor's office will actively monitor and participate in such IAD investigations:

1. Any shooting involving a Denver police officer, whether duty related or not;
2. Any in custody death;
3. Any duty related incident during which, or as a result of which, anyone dies or suffers serious bodily injury as that term is defined in CRS §18.1.901(3)(p), as it may be amended from time to time;
4. Any incident whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a felony;
5. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged with, any crime set forth in CRS Title 18, Article 3 (offenses against the person, which includes homicide, assault, kidnapping, and unlawful sexual behavior) as they may be amended from time to time; or
6. Any incident, whether or not duty related, in which a Denver police officer is under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.
7. If no criminal charges are filed subsequent to an investigation or such criminal charges are dismissed, the monitor's office will nevertheless have the discretion to monitor any internal investigation arising from the subject incident.
8. In addition, the monitor's office will monitor any other internal investigation of possible misconduct by Denver police personnel when requested to do so by the Citizen Oversight Board or Executive Director of Safety. The board or executive director will advise the monitor's office of the reasons why the board or the executive-director believes the monitor's office should monitor the investigation. Within three (3) business days of determining to monitor an investigation or of receiving the request from the board or the executive director, the monitor's office will advise IAD only that the monitor's office will monitor the investigation.
9. The Monitor and/or his designee may attend all Internal Affairs officer and civilian interviews. The Monitor may suggest questions for the IAD interviewers to ask of the witnesses, but the IAD interviewer retains the discretion to determine the subject matter and form of the questions to be asked.
10. The monitor will have access to all evidentiary items and stages of the administrative investigation. Where the investigation involves potential criminal charges, the Denver District Attorney's Office may restrict or place conditions on access that he or she believes would jeopardize the integrity of the investigation or adversely impact any potential criminal prosecution. The monitor will also have complete access to all department documents and electronic files relating to any complaints against, or investigations of, sworn personnel within the monitor's jurisdiction and personnel files, including work history and officer statements but not including documents protected by the attorney client privilege or the attorney work product privilege.
11. During the course of the investigation, the monitor may discuss the investigation with IAD including recommending additional investigation.
12. For any investigation that it monitors, the monitor will review the investigation to ensure that it is thorough and complete. If the monitor cannot certify that the investigation is thorough and complete, the monitor may request that IAD conduct additional investigation. If IAD does not complete the additional investigation to the monitor's
satisfaction, the monitor may conduct additional investigation, including issuing subpoenas.

13. The monitor will advise the Citizen Oversight Board, Executive Director of Safety, and Chief of Police of the reasons that the monitor was not satisfied with IAD’s investigation and of the additional investigation conducted by, or to be conducted by the monitor. The IAD will not forward the investigation until the monitor has completed its supplemental investigation, if any, and then the IAD will forward its investigation together with the monitor’s supplemental investigation to the appropriate person(s).

14. The monitor will treat all documents and information regarding specific investigations or officers as confidential and will divulge such information on a need to know basis or unless otherwise disclosed by the City and County of Denver.

(4) COMPLAINT INTAKE PROCEDURES

a. Processing Allegations:

1. Allegations by citizens: Any officer who is contacted by a citizen wishing to complain about possible misconduct by an officer will immediately put the citizen in contact with an on duty supervisor. The supervisor will attempt to make contact with the complainant immediately, but in no case later than the end of his or her shift.

   The supervisor will complete a Commendation/Complaint Intake Form as prescribed in this policy.

2. Allegations by officers: Any officer who has observed or otherwise learned of possible misconduct committed by another officer will report the same directly to a supervisor in the reporting officer’s or subject officer’s chain of command or to the IAD. Any officer who initiates an allegation will prepare an Inter Department Correspondence (DPD 200), outlining the allegations and/or other reports as directed by a supervisor. The reporting officer will not communicate his or her allegation to any other agency, officer, or individual without proper authorization in compliance with all OMS governing the same.

3. Allegations by government officials: Allegations of misconduct made by government officials (including, but not limited to, law enforcement agencies, judges and prosecutors) will be handled by the IAD. The IAD will review the allegation and determine whether the case will be handled at the bureau, division or district level or by the IAD.

4. Allegations by filing of law suits or tort claims: Allegations of misconduct made in the form of tort claims or law suits will be reviewed by the Office of the Independent Monitor and IAD to determine whether an IAD investigation would be warranted.

5. Complaints against the Chief of Police: If the Chief of Police has engaged in possible misconduct, the IAD will forward a copy of the allegation to the Executive Director of Safety for his or her direction. The Executive Director of Safety (or designee) will confer with the Independent Monitor (and may retain an independent investigator from outside the department) in such circumstances.

b. Complaint Screening:

   The supervisor or command officer receiving the complaint will make an initial determination whether the complaint describes possible misconduct, the issue amounts to a service complaint, or the complaint is eligible for mediation and/or dismissal based on the criteria set forth below.

   1. If the supervisor concludes that the complaint should be handled as a service complaint or describes possible misconduct, the complaint will be documented on the Commendation/Complaint Intake Form (DPD 687), and forwarded to Internal Affairs. Regardless of who will eventually handle the investigation or complaint resolution, the supervisor or command officer conducting the complaint intake will collect any evidence necessary to ensure that there can be a complete determination of facts in the case.
2. If the supervisor concludes that the complaint does not state a violation of a law, policy, procedure, rule and regulation, the supervisor may resolve the issue by explaining the law, policies, procedure, rules and regulations to the complainant and indicating that no further investigation will take place. If the complainant is not satisfied with the explanation provided, the supervisor will refer the complainant to the Internal Affairs Division or the Office of the Independent Monitor.

3. If the supervisor believes the complaint is eligible for mediation and/or dismissal, the responsible supervisor will be required to initiate and complete, as much as possible, and per policy, the investigation of the complaint regardless of any possible future mediation option. The complaint information will then be forwarded to the Internal Affairs Division for a final determination.

(5) **A COMPLAINT MAY BE DISMISSED FOR THE FOLLOWING REASONS:**

a. **Mediation:**
   
   Mediation is a voluntary process involving numerous stakeholders, including community members, police officers, police administration and the Independent Monitor. There is no right to mediation. Even if a complaint is eligible for mediation, any stakeholder may decline to allow it to be resolved through the mediation process for any reason.

   1. No stakeholder will be required to state the reason for declining to participate in mediation or agreeing to assign a case for mediation. Statements made during mediation are considered confidential and cannot be used against either party in any future criminal or civil matter.

   2. Furthermore, the decision to mediate a matter or not to mediate a matter cannot be considered during disciplinary proceedings in comparing the discipline issued in previous matters to that issued in a pending matter (i.e., cannot be used for purposes of considering "consistent discipline"). A complaint will be dismissed upon the completion of a mediation session administered by the Monitor's Office.

   3. A complaint may be considered for mediation if it resulted from a failure to communicate or a lack of communication such that the allegation would be resolved better through mediation than through the formal disciplinary process and if it meets any other requirements set forth below. A complaint which, if proven, could constitute a violation of RR-138, Discrimination, Harassment, and Retaliation, may be eligible for mediation only in accordance with the provisions of the department of Safety EEO Investigation Procedures.

4. **Complaints ineligible for mediation:**
   
   Any allegation of misconduct that falls into one of the following conduct categories as presented in the Discipline Handbook or the listed descriptions is ineligible for mediation:

   - **Category E:** Conduct that involves the serious abuse or misuse of authority, unethical behavior, or an act that results in an actual serious and adverse impact on officer or public safety or to the professionalism of the department.

   - **Category F:** Any violation of law, rule or policy which: foreseeably results in death or serious bodily injury; or constitutes a willful and wanton disregard of department values; or involves any act which demonstrates a serious lack of the integrity, ethics or character related to an officer’s fitness to hold the position of police officer; or involves egregious misconduct substantially contrary to the standards of conduct reasonably expected of one whose sworn duty is to uphold the law; or involves any conduct which constitutes the failure to adhere to any contractual condition of employment or requirement of certification mandated by law.
• Any allegation of misconduct which, if proven, could constitute a violation of any rule that the Denver Civil Service Commission has designated as making an applicant ineligible to take a promotional examination for, or to be promoted to, the ranks of sergeant, lieutenant, or captain is ineligible for mediation.

5. Any allegation of misconduct that falls into the following conduct category, as presented in the Discipline Handbook, is eligible for mediation only if the Executive Director of Safety, the Chief of Police, and the Independent Monitor all agree that mediation is appropriate.
   • **Category D**: Conduct substantially contrary to the values of the department or that substantially interferes with its mission, operations or professional image, or that involves a demonstrable serious risk to officer or public safety.

6. Any allegation of misconduct that falls into one of the following conduct categories, as presented in the Discipline Handbook, is eligible for mediation only if the Internal Affairs Division and the Independent Monitor agree that mediation is appropriate.
   • **Category A**: Conduct that has a minimal negative impact on the operations or professional image of the department.
   • **Category B**: Conduct that has more than a minimal negative impact on the operations or professional image of the department; or that negatively impacts relationships with other officers, agencies or the public.
   • **Category C**: Conduct that has a pronounced negative impact on the operations or professional image of the department, or on relationships with other officers, agencies or the public.

7. **Final authority on mediation eligibility:**
   Even if a complaint is eligible for mediation, the Executive Director of Safety (or designee), the Chief of Police (or designee), or the Monitor (or designee) has the authority to decide for any reason that a case should not be assigned for mediation.

b. **Mediation Procedures:**
   If the complainant expresses an interest in mediating the complaint, that fact will be documented on the Commendation/Complaint Intake Form which will be forwarded to Internal Affairs for further review. Both the IAD commander and the monitor must agree that a complaint is appropriate for mediation for it to be assigned to the mediation program.
   1. The complainant will be advised that the complaint is eligible for mediation, and a determination will be made whether the complainant is still interested in mediation.
   2. If a complaint has been approved for mediation, a notice will be sent in writing by the Office of Independent Monitor to the involved officer(s), with a copy to their commanding officer, which will include:
      • The complaint number
      • The name of the complainant(s)
      • The nature of the allegations
      • An explanation of the mediation program
      • An advisement to the officer(s) of the IAD and Monitor’s conclusion that the case is appropriate for mediation
      • A request from the Monitor that the involved officer(s) contact the Monitor’s office within the next five (5) working days of receipt of the notice
      • An explanation that participation in the mediation program is voluntary and that upon completion of the mediation, the complaint will be dismissed. A failure to respond to
the request will be construed to mean the officer has declined the opportunity to mediate the complaint.

3. The involved officer’s supervisors will ensure that the IAD mediation notice is delivered to the involved officer(s) as soon as possible.

4. If any of the involved officers decline to participate in mediation, the complaint will be returned to the intake process in accordance with normal IAD policies and procedures.

5. If a complainant fails to appear for a scheduled mediation, without good cause as determined by the Chief of Police or his designee, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by IAD.

6. If any of the involved officers fail to appear for a previously scheduled mediation, without good cause, the monitor will notify IAD so that appropriate action can be taken. The complaint may then be processed by IAD as per normal policies and procedures.

7. Upon completion of the mediation, the complaint will be dismissed. No new complaint will be accepted based on the conduct of an officer during mediation. The mediation session will be confidential (with statutory exceptions) as per CRS §13-22-307 and the Colorado Council of Mediators Revised Code of Professional Conduct, Section V and there will be no requirement that an agreement be reached during the course of mediation.

c. Judicial or Administrative Review:
The complainant could reasonably be expected to use, or is using, another remedy or channel for the grievance stated in the complaint. Complaints that are subject to judicial, administrative, or other review which will explicitly or implicitly require a finding or ruling on the conduct that is the subject of the complaint may be dismissed. A complaint should be dismissed on this basis only if the alternative channel is reasonably accessible to the complainant and can provide an adequate remedy.

d. Untimely:
The complainant delayed too long in filing the complaint to justify present examination. IAD may waive the timeliness requirement for good cause.

1. Except for good cause, complaints of minor misconduct involving courtesy, communications, and minor rules violations should be filed within sixty (60) days of the incident.

2. Except for good cause, complaints of serious misconduct including, inappropriate force, egregious acts of disparate treatment, or major rules violations should be filed within six (6) months of the incident. IAD may waive the time limit if there is substantial corroborating evidence of the misconduct.

3. There is no specific deadline for complaints alleging criminal conduct or corruption. Such complaints will be evaluated on their merits with due consideration for the quantity and quality of available evidence.

e. No Misconduct:
Even if all aspects of the complaint were true, no act of misconduct would have occurred. An allegation that fails to describe at least a potential violation of federal, state, or municipal law, or city or department policy will be dismissed. Occasionally, a complaint that fails to state misconduct may merit a referral to the Chief’s Office for policy or other considerations or to mediation as a means of improving police community relations. A complaint may be dismissed if it is apparent that no misconduct was committed and if it is likely that additional investigation would not reach a different conclusion.

f. False or Trivial:
The complaint is trivial, frivolous, false, or not credible.
1. Allegations determined to be intentionally and materially false will be dismissed.

2. Trivial or frivolous complaints may be dismissed. Trivial or frivolous complaints allege minor technical violations of procedural rules which have negligible adverse effects on the public or the credibility of the department.

3. Complaints that are grossly illogical or improbable may be dismissed during intake by IAD or recommended for dismissal by bureau, district or division supervisors, per the procedure outlined in OMS 503.01(4)(b). However, care and compassion must be exercised to ensure that a full, fair and complete investigation is made of complaints made by those who may be suffering from a mental illness.

g. Third Party Complaints:
A complainant must generally have a reasonably direct relationship to the incident in order to file a minor complaint. Complainants are considered to have a direct relationship if they were directly affected by the alleged misconduct (first hand sources), witnessed the alleged misconduct (second hand sources), or have special, professional, or organizational knowledge about the alleged misconduct (e.g., a lawyer, judge, etc.)

1. Third hand or anonymous complaints that allege corruption or other very serious police misconduct will not be dismissed.

2. Dismissal is not allowed for third party complaints of less serious misconduct if there is a reasonable explanation why a person with standing has not filed a complaint (e.g. the person who was directly affected is a minor child; is elderly, disabled, or deceased; cannot communicate easily in English, is not a citizen; is wanted on criminal charges; or has been threatened, etc.).

3. Anonymous complaints of minor misconduct may be dismissed. However, supervisors will urge the complaining party to encourage a person with standing to file the complaint.

h. Complaints about Repeatedly Reviewed Categories of Police Activity:
IAD may receive allegations about some categories of police action (e.g. police procedures related to photo radar operations) that in the past have been repeatedly reviewed, preliminarily investigated, and subsequently dismissed by IAD. The discretion to summarily resolve a category of complaints should be exercised carefully with due regard to the nature and seriousness of the complaints.

i. History of Unfounded Complaints:
Occasionally, a single individual repeatedly files non meritorious, unfounded, or duplicative complaints, diverting time, attention and resources from other complaints. The IAD Commander may authorize in writing that repeated complaints from specifically named individuals receive special handling. District and division supervisors may also recommend dismissal and/or special handling for repeated complaints from specifically named individuals.

Special handling may mean that designated persons are required to file their complaints in writing or that they not be interviewed as part of the intake investigation. This procedure may be used if IAD can demonstrate that a person:

1. Has a history of filing unverifiable or non-credible complaints and was warned in writing that the filing of similar complaints in the future may result in special handling, rapid disposition, or other specified actions, or;

2. Previously filed a demonstrably false complaint. The discretion to specially handle complaints from named individuals must be exercised with great care and only with a supporting record.

j. Complainant Withdraws:
The complainant withdraws the complaint or fails to complete the necessary complaint steps. The complaint may be dismissed if the complainant requests that it be withdrawn or explicitly agrees that his or her concern has been resolved and that no further action need be taken on the complaint. The complaint may also be dismissed if the complainant cannot be located, does not respond to requests for information, or fails to complete other necessary steps in the complaint process. Whether dismissed during the intake process or during post intake screening, the file needs to demonstrate a good faith effort to communicate with the complainant. The complainant’s request to withdraw a complaint or failure to cooperate in an investigation does not require that IAD dismiss a complaint.

k. **Unable to Identify Officer:**

1. The identity of the officer cannot be determined. In some cases, there is no reasonable means of identifying the employee who is alleged to have committed misconduct. Depending on the nature of the complaint, dismissal may be prudent and proper to conserve limited public resources.
2. The complaint may be dismissed if, after a good faith effort, the involved employee cannot be identified and it would be unlikely that the employee would be identified. IAD may forward the complaint to an appropriate district or division commander for information and educational purposes.

l. **No Jurisdiction:**

DPD lacks jurisdiction. The authority to dismiss for lack of jurisdiction is inherent in the limited sovereignty of the City and County of Denver. IAD will dismiss complaints over which it has no jurisdiction, including complaints against persons who were not employed or supervised by DPD at the time the alleged misconduct was committed. If possible, IAD will refer the complainant to the proper department, agency or government entity. Complaints brought against career service employees may be taken by IAD or at any district or division and will be forwarded to IAD. Complaints against career service employees are generally forwarded to, and resolved by Safety Human Resources Division.

The DPD lacks jurisdiction to discipline persons it no longer employs. As such, a complaint may be dismissed if the employee resigns, retires or will no longer be employed by the department by the time the investigation and discipline process can be completed. However, in cases of serious misconduct by former employees, the IAD commander may:

1. Conduct an investigation and refer it to the Denver District Attorney’s Office and/or place the findings in the employee’s IAD or personnel file, or
2. Review the actions of the employee’s supervisors, or
3. Review the department’s policies and training curriculum, or
4. Elect not to dismiss the complaint until after an investigation has been completed if it appears that the employee may be rehired by the department or by another law enforcement agency, or
5. Elect to close the complaint with a notice to the employee’s file that, should the employee return to the department at a later date, the case will be reopened and investigated.

(6) **Conducting Informal Investigations:**

A complaint which alleges minor misconduct may be handled in an expedited manner. Informal Investigations should be completed within five (5) days from the time the complaint is received by the district/division. Exceptions may occur when the involved employees are unavailable due to time off, vacation, illness, or other emergencies.

a. Supervisors will complete the following steps when handling a minor misconduct complaint:

1. Discuss the incident and the nature of the complaint with the involved officer(s) as well as the department’s expectations with respect to rules and procedures pertaining to the
issues in the complaint, the complainant’s perception of the officer’s behavior, and alternative approaches the officer could have possibly used to improve service.

2. Document the incident and actions taken on the Commendation/Complaint Intake Form (DPD 687).

3. If the investigation can be completed during the current tour of duty, all documentation will be forwarded to IAD where upon receipt a case number will be assigned.

4. If the investigation cannot be completed during the current tour of duty, the supervisor will contact IAD for a case number, and forward all documentation to IAD upon completion of the investigation.

b. IAD will review the documentation and determine if the actions taken by the investigating supervisor were sufficient to address the officer’s alleged misconduct.
   1. If IAD determines that the complaint is eligible for dismissal based on the criteria outlined in OMS 503.01(4)b, the complaint will be forwarded to the Chief of Police or his designee for final disposition.
   2. If IAD determines that the action taken by the investigating supervisor/command officer sufficiently addressed the complaint, IAD will advise the officer’s chain of command that no further action is required.
   3. If IAD determines that the actions taken by the investigating supervisor/command officer did not sufficiently address the complaint:
      - The informal complaint may be sent back to the concerned officer’s commanding officer for further follow-up as prescribed by IAD. An additional five-day (5) deadline is granted, with exceptions as noted in OMS 503.01(6)a above, or
      - The complaint can be reclassified as a formal investigation to be investigated by IAD.

CONDUCTING FORMAL INVESTIGATIONS:
Allegations of general, pattern, or serious misconduct (including conduct prohibited by law) will result in a formal investigation.

a. If the complaint intake performed by the supervisor of a division or district indicates that a formal investigation is warranted, the supervisor will notify the IAD, which will assign an IAD case number regardless of whether IAD or the district/division conducts the investigation.

b. The supervisor or command officer of a division or district handling a general misconduct allegation will contact the IAD for a case number. The supervisor or command officer of the division or district will prepare or cause to have prepared the Statement Form (DPD 366), and Commendation/Complaint Intake Form (DPD 687). The statement should address all allegations and complaints. Should clarification be necessary, questions and answers should supplement the statement. When a complaint is taken by telephone, the supervisor taking the complaint will complete the Commendation/Complaint Intake form and write a narrative summary of the complaint on a Statement Form. The IAD investigating officer assigned to the case (if the IAD is investigating the matter) should use these same forms.

c. Depending on the severity of a misconduct allegation, at the commencement of a formal investigation the IAD commander will confer with the appropriate deputy chief in order to determine whether:
   1. The subject officer should be allowed to remain in his or her usual assignment;
   2. The subject officer should be allowed to remain on duty but in another assignment; or
   3. The subject officer should be relieved of duty.

d. The IAD will immediately be notified when a subject officer is allowed to remain on duty but in another assignment, or is relieved of duty.
e. If an officer is charged with a felony, the Chief of Police will indefinitely suspend the officer pursuant to Denver City Charter Section 42-27.

f. An Officer Notice of Investigation (NOI) (DPD 627) will be generated and provided to an officer who is the subject of a formal investigation when that investigation is commenced, unless such notification may jeopardize the ongoing investigation.

The NOI will outline the general nature of the formal investigation and include a summary of the allegations. The NOI will be generated by the IAD.

g. When directed by an investigating officer, every officer who has knowledge, whether direct or indirect, of the alleged misconduct will prepare and submit an individual, written statement before the end of the shift when he or she is directed to provide the report. Reports should be supplemented by questions and answers if necessary for clarification.

The statement form is to be provided to the supervisor or command officer conducting the investigation. A copy of the written statement will be sent to the commander of the reporting officer. The written statement must be accurate and complete.

h. Prior to making any statement or answering any questions as a part of an informal or formal investigation, the subject or witness officer will be provided a copy of the Advisement Pursuant to Internal Investigation (DPD 455), (also known as the Garrity Advisement) by the supervisor, command officer, or IAD investigating officer conducting the investigation.

The officer will be provided a reasonable amount of time to review DPD 455 and to sign it. If the officer declines to sign DPD 455, the investigating officer will write "declined" in the officer's signature space. Although an officer may refuse to sign DPD 455 in a disciplinary investigation, the officer must still give a statement. An officer's refusal to give a statement may result in disciplinary action in accordance with the DPD Disciplinary Handbook.

i. Statements will be taken from witnesses and complainants whenever possible and should be supplemented by questions and answers if necessary for purposes of clarification.

j. If a formal investigation concerns an allegation of a law violation, the Miranda Advisement form (DPD 369) will be given to the subject officer in lieu of the Advisement Pursuant to Internal Investigation (DPD 455), before questioning. The statement should be supplemented by questions and answers if necessary for purposes of clarification.

k. The administrative investigation of any incident requiring mandatory monitoring will be completed within thirty (30) calendar days of its initiation. For all other investigations under the jurisdiction of the monitor, the thirty day (30) time limit will not apply unless the Executive Director of Safety directs that the investigation and/or any related disciplinary actions be subject to the time limits set forth in this policy or to other time limits set by the Executive Director. Failure to comply with any time limits set forth in this policy will not serve as a basis for sworn personnel to challenge the jurisdiction of any entity referenced in this policy, nor will such failure serve as a basis to challenge any administrative action, including discipline, which may be taken against such sworn personnel nor will it constitute misconduct by any member of the department.

l. If IAD is not able to complete within thirty (30) calendar days any investigation of any incident requiring mandatory monitoring or the time limits set by the Executive Director of Safety, the commander of IAD may request in writing through the chain of command that the Chief of Police grant a specified, reasonable amount of time in which to complete the investigation. IAD’s request must identify the specific reasons that it has not been able to complete the investigation within thirty (30) calendar days and must explain why it believes the investigation can be completed within the requested extension of time.

Requests for extensions and responses thereto will be copied to the Independent Monitor, Citizen Oversight Board, and the Executive Director of Safety.
m. At completion of the investigation, IAD will have the case reviewed by the Independent Monitor, and perform any reasonable and necessary additional investigation as requested by the Monitor. Once the Independent Monitor has certified the investigation as complete, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and penalty recommendations when applicable.

n. Scheduled discipline cases may be forwarded directly to the Conduct Review Division upon completion by the subject officer’s commanding officer without first being reviewed by the Independent Monitor.

(8) **CONDUCT REVIEW DIVISION:**

a. Using procedures and protocols outlined in the Discipline Handbook, the Conduct Review Division (CRD) will review the facts gathered during the formal investigation and make a determination for each listed specification.

b. Each specification listed for consideration will then be categorized according to one of the following findings:

1. **Unfounded** – The investigation indicates that the subject officer’s alleged actions relating to the department policy, procedure, rule, regulation or directive in question did not occur.

2. **Exonerated** – The investigation indicates that the alleged actions of the subject officer were within the policies, procedures, rules, regulations and directives of the department.

3. **Not Sustained** – There was insufficient evidence to either prove or disprove the allegation.

4. **Sustained** – The subject officer’s actions were found, by a preponderance of the evidence, to have been in violation of the department policy, procedure, rule, regulation or directive in question.

c. **Scheduled discipline cases**

1. If a case is sustained and the penalty recommendation is other than an oral or written reprimand, the case will be forwarded to the Executive Director of Safety for imposition of discipline.

2. If a case is sustained and the penalty recommendation includes fined time or a suspension, the subject officer and his or her commanding officer are notified by CRD as to the disposition.

3. If a subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a **Chief's Pre-Disciplinary Hearing**. The CRD will then schedule the **IRP process** as outlined in OMS 503.01(9). If the case is not sustained, the subject officer is notified by CRD of its disposition and it is forwarded to IAD for tracking and filing.

d. **Non-scheduled discipline cases - Independent Monitor**

The Independent Monitor will review draft findings and penalty recommendations of the CRD and note any concerns.

e. **Non-scheduled discipline cases - oral or written reprimand**

If a case is sustained and the penalty recommendation is an oral or written reprimand, the procedure outlined in OMS 503.01(8) i.1. will be followed.

f. **Non-scheduled discipline cases – fined time or suspension**

If a case is sustained and the penalty recommendation includes fined time, suspension, or termination, the CRD will coordinate a contemplation of discipline meeting where the CRD will notify the subject officer and his or her commanding officer as to the recommendation in the case.
1. The CRD will coordinate the timing and location of the contemplation of discipline meeting, which will occur no sooner than the first business day following the Chief of Police Conduct Review meeting. If it is determined there are circumstances necessitating a more urgent notification of recommendation(s), the Commander of CRD (or designee) retains authority to modify this time schedule.

2. The subject officer will be served with a Contemplation of Discipline letter that outlines the complaint specifications; and if sustained, the recommended discipline. Officers being served with a Contemplation of Discipline letter are allowed 24 hours to make a decision to accept the discipline, or request a chief’s hearing. If the officer chooses to use the 24-hour decision period, he/she will receive an order specifying the date and time to return to the CRD. At that time the officer must report his or her decision, in person, to the CRD.

3. If the subject officer disagrees with the findings and/or recommendation of fined time or suspension, he or she may request a Chief’s Pre-Disciplinary Hearing. The CRD will then schedule the Investigative Review Process as outlined in OMS 503.01(10).

4. If the case resulted in no sustained specifications, but included at least one of the specifications listed in OMS 503.01(8)(h), below, the case will be reviewed in the Chief’s Conduct Review meeting.

   g. Chief’s Conduct Review Meeting – sustained specification(s).
      All cases with at least one sustained specification will be reviewed in the Chief’s Conduct Review meeting, which will include; the Chief of Police, the subject officer’s deputy chief and commanding officer, the Deputy Director of Safety, the Conduct Review Division Commander, and/or any others as determined by the Chief of Police. The purpose of the meeting is to gain input on the final determination and penalty assessment.

   h. Chief’s Conduct Review Meeting – designated specification(s).
      All cases involving an allegation of one of the following specifications will be reviewed in a Chief’s Conduct Review meeting, regardless of the determination, to ensure that the determination is appropriate and to keep the Chief of Police and Executive Director of Safety informed as to the resolution of these cases:
      1. RR-112.1 Misleading or Inaccurate Statements;
      2. RR-112.2 Commission of a Deceptive Act;
      3. RR-115 & 115.2 Conduct Prohibited by Law;
      4. RR-138 Discrimination, Harassment, and Retaliation;
      5. RR-306 Inappropriate Force (where the force recipient was hospitalized)
      6. Any other case deemed appropriate by the Chief of Police

   i. After the recommendation has been made by the Chief of Police and any case results in disciplinary action (either an oral or written reprimand, fined time, suspension, or dismissal), IAD will forward the final case summary sheet to both the officer and his/her commander.
      1. When discipline is an oral or written reprimand, it will be issued to the officer by his/her commanding officer. The command officer will have a printout of the evaluation system journal entry for the reprimand forwarded to the IAD.

(9) Resolution of Sustained Specifications with a Recommendation of Loss of Time:

   a. An IRP (investigative review process) will be commenced and a Chief’s Pre-Disciplinary Hearing held when directed by the Chief of Police or requested by the subject officer.

   b. The subject officer may elect to accept the penalty recommendation made by the Chief of Police and voluntarily waive any further disciplinary proceedings, pending approval by-the Executive Director of Safety
Either before or after the IRP, if the subject officer chooses to accept that penalty, he or she may write a letter to the Chief of Police through the commander of the CRD outlining mitigating or exonerating circumstances.

(10) INVESTIGATIVE REVIEW PROCESS (IRP)

a. Phase I:
Upon receipt of a sustained case the CRD will notify the subject officer of its completion and that the investigative report and recommendations are available for review.

1. If the subject officer is on vacation, accrued sick leave, or other approved leave, the five day (5) period will begin upon the subject officer’s return to active duty unless otherwise ordered by the Chief of Police.

2. If the subject officer is serving a suspension, the IRP process will begin when the officer returns to active duty or at the direction of the Chief of Police.

3. The review period may be extended at the discretion of the CRD commander. Subject officers may select one (1) member of the classified service, or a Denver Police Protective Association or Fraternal Order of Police representative, or an attorney to represent them during the IRP process. No officer will serve as a representative if he or she has been identified as a witness or as another subject officer in the same IAD case being reviewed, or if he or she is in the subject officer’s chain of command. Unless there are extenuating circumstances, as determined by the commander of the CRD, the same officer will represent the subject officer during the IRP process.

4. Prior to commencement of the IRP, all persons who will review the investigative file will sign the Confidentiality Declaration (DPD 628a). Failure to sign the confidentiality declaration will preclude review of any files.

5. A subject officer and his or her representative will be allowed to review the entire investigative file regarding the subject officer’s sustained violations.

6. A subject officer will not remove any documents, electronic or hardcopy from the IAD or CRD offices at any time during his or her review. A subject officer will not be allowed to copy any portion of the investigative file. A subject officer may, however, make and retain notes regarding the review. A copy of those notes will be retained with the IAD case file.

7. Officers are prohibited from retaliating in any manner against any officer, other employee, or person who has made a charge, testified, assisted, or participated in any manner in an investigation, IRP, Chief’s Pre Disciplinary hearing or Civil Service hearing.

b. Phase II:
The second phase of the IRP consists of a meeting between the subject officer, one (1) officer representative, the investigating officer, and the IAD commander or designee. Phase II will be conducted within five (5) business days of the completion of Phase I of the IRP. The focus of the IRP is to attempt to reach agreement on the material facts of the case. Subjective, disputed facts such as the intent or opinions of the subject officer, complainants, and witnesses will not be addressed at the IRP.

1. Disputed factual issues will be discussed during Phase II of the IRP in an attempt to reach an agreement or understanding as to the content of the report. If the parties are not able to agree on all of the facts, the subject officer may within seven (7) calendar days of the Phase II IRP meeting, submit a memorandum of dispute not to exceed ten (10) pages, to be included with the investigative file. The content of the memorandum of dispute will be limited to specific factual issues mentioned in the IAD report.

2. During Phase II of the IRP, the subject officer may petition, in writing, the IAD commander to conduct further investigation into the case. The subject officer must...
articulate specific reasons why he or she believes further investigation is needed. The IAD and CRD commanders will confer and make the final decision as to whether further investigation is necessary. If it is determined that further investigation is needed, the original investigation will be reopened and further investigation conducted at the IAD commander’s direction.

3. At the completion of the supplemental investigation, IAD will make the case available to the OIM for review.

4. Once the Monitor has reviewed the supplemental investigation, it will be forwarded to the Conduct Review Division for the purpose of making determinations regarding each specification, and if applicable to make penalty recommendations per the procedure outlined in OMS 503.01(8). The commander of CRD may set aside any previously sustained specification or adjust any of his or her original penalty recommendations at his or her discretion.

5. The subject officer will be provided an opportunity to review the supplemental report, which will be included in the original investigative report after the case is returned to the CRD commander.

6. In cases involving multiple subject officers, there will be a separate IRP for each subject officer unless a joint IRP is agreed to by the CRD commander and each subject officer.

(11) CHIEF’S PRE DISCIPLINARY HEARING:

a. A Chief’s Pre Disciplinary Hearing will be conducted by the Chief of Police (or designee).

1. For each matter for which a Pre-Disciplinary Hearing will be held, a Contemplation of Discipline Letter will be prepared and provided to the subject officer within ten (10) business days of the CRD’s recommendations.

2. For each investigation that it monitors, the Independent Monitor may review the case file and discuss it with the Chief of Police and/or the Executive Director of Safety (or designee) prior to its being sent to the subject officer.

3. A Pre-Disciplinary Hearing will be held no less than seven (7) and no more than ten (10) business days after the issuance of the Contemplation of Discipline Letter, unless extended by the commander of CRD. The Independent Monitor, Executive Director of Safety, and Denver City Attorney, (or their designees), may attend the Pre-Disciplinary Hearing (aka, Chief’s hearing). Other individuals may attend the Pre-Disciplinary Hearing with the approval of the Chief of Police (or designee).

b. Prior to the Chief of Police making a recommendation as to whether any rule violations should be sustained and the level of discipline, if any, to be imposed upon an officer, the Chief of Police will confer with the Independent Monitor.

c. After holding a Pre Disciplinary Hearing the Chief of Police or his/her designee may initiate disciplinary action with a Written Command specifying disciplinary action. The Written Command will be submitted, pursuant to Denver City Charter section 9.4.14 (A), to the Executive Director of Safety for approval.

d. Within five (5) business days of the Police Chief’s recommendation of discipline, the Monitor will advise the Executive Director of Safety whether he or she agrees with the Police Chief’s recommendation, as to whether any rule violation should be sustained, and the level of discipline, if any. If the Monitor disagrees with the Police Chief’s recommendation, the Monitor will state specific reasons for disagreeing with the recommendation.

e. In accordance with Denver Charter section 9.4.14 (B), within 15 calendar days of the date of the Chief’s order, the Executive Director of Safety (or in his/her absence the Deputy Executive Director of Safety) will approve, modify, or disapprove the Written Order of disciplinary action and will issue a Written Departmental Order which will take effect immediately. As to each
specification, the Executive Director of Safety will have the option of accepting the penalty recommendation of the Chief of Police or increasing or decreasing the recommended penalty. Nothing in these provisions prohibits the Executive Director of Safety (or designee) from reviewing the investigatory file prior to receiving the Written Command. The Executive Director (or designee) has the discretion of engaging in settlement discussions with the subject officer or his/her representative, at any stage of the disciplinary process. Such settlement discussions, should they occur, will not be admissible at any future hearing(s) before the Civil Service Commission.

1. Prior to imposing discipline, if any, the Executive Director of Safety will confer with the Independent Monitor regarding the monitor’s disciplinary recommendation and the monitor’s evaluation of the investigation.

2. The Independent Monitor will be allowed to review, but will not become the custodian of, the Executive Director of Safety’s disciplinary order.

(12) **COMPLAINANT LETTER:**

At the conclusion of the review and recommendations, a letter will be prepared by CRD notifying the complainant of the outcome of the investigation.

a. Should the disposition change at any further level of review, CRD will modify the notification letter to reflect the new disposition.

b. The completed letter will be forwarded to the Office of the Independent Monitor (OIM). OIM will ensure that the letter is sent to the complainant.

c. The letter will include the complaint number, the date of the incident, the date the complaint was made, and the findings. The letter will include the name and phone number of the responsible person who can be contacted for further information.

(13) **APPEALS PROCESS:**

If a subject officer does not agree with a departmental order of discipline (other than a reprimand) issued by the Executive Director of Safety, the subject officer may appeal such discipline to the Denver Civil Service Commission pursuant to the Denver City Charter and Civil Service Rules then in effect. (See Denver City Charter section 9.4.15 regarding Civil Service disciplinary review procedures.

(14) **DUTY TIME AND OVERTIME COMPENSATION:**

a. All officers who participate in a Chief’s Pre-Disciplinary hearing or who serve as the subject officer’s representative at a Chief’s Pre-Disciplinary hearing will have that time counted as duty time.

b. Officers up to and including the rank of captain who participate in a Chief’s Pre Disciplinary hearing or who serve as a subject officer’s representative at a Chief’s Pre Disciplinary hearing and who are off duty will be paid overtime in accordance with the provisions of the collective bargaining agreement then in effect.

(15) **INTERNAL PERSONNEL MATTERS:**

IAD investigations are internal personnel matters and, as such, all investigative reports, command officer’s conclusions, and recommendations will be secured in a manner that prevents unauthorized review and disclosure of findings.

(16) **EXECUTIVE ORDER 94 POLICIES FOR ALCOHOL AND DRUG TESTING:**

a. Training on Executive Order 94

   1. All new supervisors and command officers should be trained on Executive Order 94 and Memorandum A during the first six months following their promotion. This training, at a minimum, should include the study of Executive Order 94 and Memorandum A, instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor’s reasonable suspicion, and the supervisor’s
responsibility for escorting employees to the testing sites and through the testing process. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each supervisor and command officer with each supervisor and command officer acknowledging, in writing, receipt of the policy and the training.

2. All employees without supervisory or command officer duties should be trained on Executive Order 94 and Memorandum A during their first year of employment. Training, at a minimum, should include the study of Executive Order 94 and Memorandum A, and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of Executive Order 94 and Memorandum A should be given to each employee with each employee acknowledging, in writing, receipt of the policy and the training.

b. **Prohibitions for all city employees including classified members of the police and fire departments - Alcohol**

1. **Employees are prohibited** from consuming, being under the influence of, or impaired by alcohol while performing city business, while driving a city vehicle or while on city property. There are three exceptions to this prohibition.
   - An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation only library reception.
   - An employee is not on duty and at a city location as a customer, e.g., playing golf on a city course.
   - An employee is a member of the police department and as a part of the employee’s official duties consumes alcohol in accordance with police department procedures as described in OMS 304.10.

2. **As part of official duties**, members of the police department according to established department procedures may consume alcohol. However, it is grounds for discipline, up to including immediate dismissal, if members of the police department consume alcohol in violation of their department procedures.

3. **The alcohol levels** defined by the state legislature that may be amended from time to time for defining “under the influence of alcohol” and “impaired by alcohol” are adopted here for purposes of this operations manual.
   a. These current alcohol level definitions are contained in the Addendum to Executive Order 94. If there is a conflict between the state legislature and the DOT regulation, alcohol level definitions and the ones contained in the Addendum to Executive Order 94, the state legislature and DOT regulation definitions will take precedence.
   b. Employees holding Commercial Driver’s licenses (CDL) are also subject to the alcohol levels defined by the department of Transportation (DOT) regulations that may be amended from time to time for “under the influence” which are adopted here for purposes of Executive Order 94.

c. **Prohibitions for all city employees including classified members of the police and fire departments - Illegal and Legal Drugs**

1. Employees are prohibited from consuming, being under the influence of, or impaired by illegal drugs while performing city business, while driving a city vehicle or while on city property.

2. Employees are also prohibited from selling, purchasing, transferring or possessing an illegal drug.
   - There is one exception to this rule. As a part of official duties, illegal drugs may be handled, controlled and disposed of according to established department contraband procedures by employees. However, it is grounds for discipline, up to and including
immediate dismissal if employees sell, purchase, transfer or possess illegal drugs at any time other than as a part of their official duties.

3. Legal drugs – Notification of Supervisor

It is the responsibility of the employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public to advise their supervisors that they are taking prescription medication that may affect their performance.

4. Legal drugs - Prohibitions

Employees who work in positions operating vehicles or dangerous equipment or positions affecting the health or safety of co-workers or the public are prohibited from consuming, being under the influence of, or impaired by legally obtained prescription drugs while performing city business, unless the following two determinations have been made:

a. It is determined by both the employee’s supervisor and either the employee’s Human Resource Specialist or Safety Officer, after consulting with the Occupational Health and Safety Clinic (OHSC) personnel, that the employee's job performance will not be affected and that the employee does not pose a threat to his/her own safety.

b. It is determined by both the employee’s supervisor and either the employee’s Human Resource Specialist or Safety Officer after consulting with the OHSC personnel that the employee will not pose a threat to the safety of co-workers or the public, and the employee will not disrupt the efficient operation of the agency.
   - If appropriate, the OHSC personnel may contact the employee’s personal physician. Prior to making contact with the employee’s personal physician, the OHSC personnel should obtain a medical release from the employee.
   - The OHSC will keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
   - Employees may be required to use sick leave, take a leave of absence or comply with other appropriate non-disciplinary actions determined by the appointing authority until the above determinations can be made.

5. The DOT regulations prohibit employees with CDLs from using marijuana, even for approved medical reasons. If the federal and Colorado laws are in conflict on this issue, the federal law will take precedence. Therefore, a positive marijuana drug test will be treated as an illegal drug use for all employees, including those with CDLs, subjecting them to all rules contained herein for illegal drug use even if a physician has recommended the marijuana for medical reasons.

d. Drug and alcohol testing - Pre-Employment

1. The Civil Service Commission or interviewing agency will perform pre-employment drug screening of all applicants in accordance with their policies and procedures.

2. Employees who will be filling jobs defined as safety-sensitive or requiring a CDL, prior to the first time the employee performs a safety-sensitive function, will be tested for controlled substances and may be tested for alcohol.

3. Refusal by an applicant to submit to a pre-employment test will result in denial of employment.

e. Drug and alcohol testing - Reasonable Suspicion Testing

When a supervisor or command officer has reasonable suspicion that any employee is consuming, under the influence of, or impaired by alcohol or illegal drugs after taking appropriate safety measures, i.e., removing the employee from any situation which may pose a safety risk to
the employee, co-workers or the public, the supervisor or command officer will immediately consult with the Internal Affairs on-duty/on-call command officer to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor or command officer to promptly initiate alcohol and/or drug testing. The supervisor or command officer will initiate testing as follows:

1. **Alcohol**
   a. Document in writing on Drug and Alcohol Testing (DPD 667), the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee’s appearance, behavior, and speech or body odors.
   b. When possible, have a second supervisor or command officer confirm the specific contemporaneous, articulable observations of the employee’s appearance, behavior, speech or body odors.
   c. Advise the employee that the supervisor or command officer is ordering the employee to go to the testing site for testing.
   d. Escort the employee to the testing site as soon as possible. However, if the supervisor or command officer is unable to escort the employee, the supervisor or command officer should have another individual escort the employee for testing. The individual selected to escort the employee will be of a higher grade/rank than the employee being tested.
   e. Require the employee to bring a picture identification card and proof of the employee’s Social Security or employee/badge number to the testing site.
   f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or command officer should tell the employee that the testing request is a direct order and that refusal to comply with a direct order of an authorized supervisor or command officer might subject the employee to discipline, up to and including dismissal.
   g. After the initial test results are known, the supervisor, command officer or escort will contact the Internal Affairs on duty/on-call command officer for further guidance. If the Internal Affairs on-duty/on-call command officer is unavailable and the supervisor, command officer or escort has a reasonable doubt about the employee’s ability to satisfactorily and safely meet job requirements, the supervisor, command officer or escort will place the employee on investigatory leave pending results of testing or other administrative determinations.
   h. No supervisor, command officer or escort should allow an employee to drive to or away from the testing site or the work site. However, if the employee does drive off, follow OMS 204.02.
   i. During regular OHSC hours, the testing will be conducted at one of the OHSC testing sites. These testing sites are located at Denver Medical Health Center, 605 Bannock Street, 4th floor, and the Denver International Airport, Main Terminal, 6th level. After regular hours, the supervisor or command officer will page the OHSC alcohol and drug testing personnel at (303) 851-2877 to arrange for immediate testing.
   j. Testing should be administered within two (2) hours of making a reasonable suspicion determination. If this two hour (2) time frame is exceeded, the supervisor or command officer should document the reason the test was not promptly administered on Drug and Alcohol Testing, DPD 667. Supervisors or command officers who do not test employees within this established time frame may be subject to discipline, up to and including dismissal.
k. Supervisors, command officers and escorts will keep the employee’s name and identifying information restricted to persons on a need to know basis.

2. Illegal drugs
   a. Follow the steps listed above in Section 16.e.1.
   b. However, testing for illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight-hour (8) time frame is exceeded, the supervisor or command officer must document the reasons the test was not promptly administered on Drug and Alcohol Testing (DPD 667). Supervisors or command officers who do not test employees within the established time frame may be subject to discipline, up to and including dismissal.
   c. If a supervisor or command officer has reasonable suspicion that an employee appears to be in possession of, selling or transferring illegal drugs not within the employee’s official duties, the Internal Affairs on-duty/on-call command officer will be notified.

3. Post-accident testing
   a. As soon as practicable following a driving or other workplace accident, the supervisor or command officer will ensure that driver-employee is tested for alcohol and drugs when the accident:
      1. May have been the fault of the employee and the accident involves a fatality; or
      2. May have been the fault of the employee and any individual was injured severely enough to receive medical treatment immediately away from the scene of the accident; or
      3. May have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or,
      4. There is reasonable suspicion to test the employee.
   b. Post-accident alcohol and drug testing should be administered within two (2) hours following the accident. Supervisors or command officers who do not test employees within the established time frames may be subject to discipline, up to and including dismissal.
   c. When one of the post-accident criteria for testing applies and the incident involved a death, serious injury or an allegation that a serious crime has been committed, the District Attorney’s Office will be contacted prior to ordering drug and/or alcohol testing.

4. Random Testing
   a. The department may implement, with the Denver City Attorney’s approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the department.
   b. Pursuant to the DOT regulations, random alcohol testing will be conducted annually on 25% of the average number of City commercial driver’s license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing will be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.
   c. Pursuant to the DOT regulations, random drug testing will be conducted annually on 50% of the average number of City commercial driver’s license positions in
existence. This percentage may be amended from time to time by the DOT. Drug testing will be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. Return to Duty Testing
   If an employee has violated the prohibited conduct listed in Section 15 b. of this provision, the employee will not return to perform department duties unless the employee has completed a successful return to duty alcohol and drug tests and any other requirements imposed by Executive Order 94.

f. Testing and Documentation
   1. When a Denver Police Department employee is transported for an Executive Order 94 related test, whether post-accident, reasonable suspicion or other test, both a drug and alcohol test are required. Testing will be done at the Occupational Health and Safety Clinic or Denver Health Medical Center under most circumstances.
   2. Escorting supervisors will complete Drug and Alcohol Testing (DPD 667), briefly outlining the reason for the test and follow the distribution at the bottom of the form.

g. Injured Employees
   When a Denver Police department employee is transported to a medical treatment facility, the supervisor will determine the following:
   1. If the employee will be released within two (2) hours of the incident the supervisor will escort the employee to the Occupational Health and Safety Clinic (OHSC) for testing.
   2. If the employee is not going to be released within two (2) hours, the OHSC lab technician will be contacted and respond to DHMC to administer the tests. If the employee is hospitalized at another treatment facility, the OHSC lab technician will not respond. The escorting supervisor must ask the treatment staff to perform the tests.
   3. If the employee is initially unconscious and regains consciousness within the two hour (2) period, both drug and alcohol tests will be administered.
   4. If the employee regains consciousness after the two hour (2) period but before eight (8) hours, the alcohol test will not be administered, but the drug test will be completed.
   5. If the employee remains unconscious for more than eight (8) hours, contact the Performance Development Unit who will in turn contact the Denver City/District Attorney’s office for direction.
   6. If the event of a change in shift, it is the responsibility of the original supervisor to inform the oncoming supervisor of the situation. The oncoming supervisor will then ensure that the tests are completed within the time constraints.
   7. Positive Tests
      When an employee is tested for drugs and alcohol, the requesting supervisor will receive the test results immediately. Should the results indicate positive for drugs and/or alcohol, the supervisor will immediately notify the on duty or on call Internal Affairs Division representative.
   8. Evening/Weekend Tests
      In the event a test is needed during other than normal duty hours (0700-1500) and a call out is necessary, employees will contact Denver 911 personnel who will then contact the OHSC on-call Technician.
503.02 Commendations

(1) Policy:
The Denver Police Department recognizes that its employees consistently perform their duties at a high-level, however, sometimes the actions of its employees rise above the standard expected, meriting special recognition. The department also acknowledges that the total police mission could not be accomplished without the efforts of all its employees, both sworn and non-sworn. Furthermore, the department recognizes the vital and beneficial contribution made by its volunteers and citizens. Therefore, it is the policy of the Denver Police Department to award in an official manner, units, employees, volunteers, and citizens who demonstrate meritorious conduct and exemplify and embody the standards set forth in the following policy; promote community involvement, and bring honor upon themselves, the department, and the City and County of Denver.

There are two employee recognition events:

- The annual Denver Police Foundation event – individuals will be presented with the appropriate medal, shirt pin, and/or certificate.
- The annual Denver Police Department Recognition event – a recognition event for employee award recipients, family, and friends - no awards will be presented.
- All other award recipients will be presented with a certificate by the appropriate bureau/district commander/director.

(2) Denver Police Department Commendations:

- Medal of Honor
- Medal of Valor
- Preservation of Life
- Distinguished Service Cross
- Purple Heart
- STAR (Superior Tactics and Response)
- Police Merit
- Excellence in Crime Prevention
- Lifesaving
- Community Service
- Official Commendation
- Chief’s Unit Citation
- Innovation in Police Service Unit Citation
- Excellence in Crime Prevention Unit Citation
- Community Hero
- Outstanding Volunteer
- Officer of the Year
- Career Service Employee of the Quarter
- Career Service Employee of the Year

(3) Procedures:
a. Any employee of the Denver Police Department may nominate a sworn officer, civilian employee, or citizen for a commendatory award.
1. All nominations will be prepared on a DPD 200, signed by the commending individual, and forwarded electronically through his/her chain of command for approval. Upon approval, all nominations will be forwarded electronically by the approving division chief via email to the Awards Committee (DPDCommend@denvergov.org) for review.

2. Any nomination prepared by an outside law enforcement agency will be forwarded to the Awards Committee via email (DPDCommend@denvergov.org).

3. Nominations for Volunteer of the Year will be sent to the Volunteer Program Administrator, who will then forward the nomination to the Chief of Police.

4. All letters of compliment and commendation from any other source will be forwarded to the Office of the Chief of Police.

b. Nominations will be written in a clear and concise fashion, including the officer’s name and badge number, and will omit police jargon or any other detailed information about suspects in the incident (e.g., race, age, D.O.B., direction of flight, etc.). Additional documents such as supplementary reports, after action reports, commendatory action report, or correspondence should be submitted to assist the board in determining the appropriate award.

c. When more than one officer is involved in a commendable incident, the narrative of the nomination will specify the actions of each individual officer, aiding the awards committee in recommending the most appropriate award.

d. Unless otherwise waived by the Chief of Police or the chair of the awards committee, all nominations are required to be submitted to the awards committee within six (6) months of the incident.

e. All commendable actions resulting from involvement in a major event, such as an officer involved shooting, will be considered by the awards committee at the same time.

1. Officer involved shootings must receive a letter of clearance from the Denver District Attorney’s Office and the department’s Use of Force Review Board before the incident can be reviewed.

2. The awards committee member will, at this meeting, review the case with the investigator, view all video tapes, and listen to any audio tapes. All aspects of the incident and all proposed commendations will be discussed, but no final determination will be made concerning any awards at this time.

3. A conference call meeting will be acceptable at the discretion of the chair of the awards committee.

f. Historical Awards:

   Procedure for consideration of a “historical” award nomination:
   - The nominating person must conduct all research and investigation.
   - The nomination will be sent via email to DPDCommend@denvergov.org for review.
   - If the award nomination is approved it will be presented at the annual retiree luncheon, usually coinciding with the police memorial ceremony held annually in May.

(4) **AWARDS COMMITTEE:**

a. The Denver Police Awards Committee will be comprised of the chief of staff for the Chief of Police (or designee) as chairperson in a non-voting capacity (except to break a tie), one lieutenant, one sergeant, two officers below the rank of sergeant, two Career Service (CS) employees, and one community member.

1. The lieutenant, sergeant, officers, CS employee and community member will be nominated by the chair person (with affected commander/director’s approval) and approved by the Deputy Chief.
2. Final selection of board members will be made by the Chief of Police.

b. The board will review and evaluate each nomination based on the information received. During consideration of awards, the board may choose to investigate the nomination and is empowered to call any officer witness or invite civilian witnesses to appear.

c. The awards committee will review nominations and determine the appropriate award:

1. Considerations for Medal of Honor, Medal of Valor, Preservation of Life, Distinguished Service Cross, and Purple Heart Award will be forwarded to the Deputy Chief. The Deputy Chief will review the board recommendation and then forward to the Chief of Police, who will determine what, if any, award is appropriate.

2. All other nominations will be forwarded to the Chief of Staff for the Chief of Police for review and finalization.

d. The awards committee may determine that the nomination does not meet the standards and eligibility for any listed award. In this instance, the awards committee will forward the nomination packet back to the approving division chief so that the nomination may be:

1. Recognized at the unit/section/bureau/district level, including but not limited to, a journal entry and archiving of the nomination packet within the officer’s personnel file.

2. Resubmitted with additional facts and support in writing. The individual making the appeal will be given the opportunity to appear in person at a future awards committee meeting. Any further appeal is to be made to the Chief of Police whose decision will be final.

(5) AWARDS STANDARDS AND ELIGIBILITY:

a. Medal of Honor - active duty sworn and reserve police officers

1. Awarded by the Chief of Police to an individual for an act of outstanding bravery or heroism by which the individual has demonstrated in great degree the characteristics of selflessness, personal courage, and devotion to duty at the risk of his/her own life. The individual’s actions substantially contributed to the saving of, or attempted saving of a human life.

2. This is the highest and most prestigious department award and there must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the actions must clearly render the individual conspicuous by an act so outstanding that it clearly distinguishes heroism beyond the call of duty from lesser forms of bravery. It must be the type of deed that, if not done, would not subject the individual to any justified criticism.

3. A posthumous award may be made to an individual who has lost his/her life under conditions where the officer endangered themselves in circumstances consistent with good police practices.

4. The award will consist of a Medal of Honor, a shirt pin, and a paper certificate.

b. Medal of Valor - active duty sworn and reserve police officers

1. Awarded by the Chief of Police to an individual for an act, in the face of great danger, wherein valor, courage, and bravery are demonstrated over and above that normally demanded and expected.

2. This is the second highest department award and to warrant this distinctive decoration, the act must be performed in the presence of great danger or at great personal risk and by its nature involved the saving of a human life, or attempted saving of a human life, the prevention of a serious crime, or the apprehension of a person who committed a serious crime. The action must be performed in such a manner as to render the individual highly conspicuous.

3. The award will consist of a Medal of Valor, a shirt pin, and a paper certificate.

c. Preservation of Life - active duty sworn and reserve police officers
1. Awarded by the Chief of Police to an individual who performs an act of heroism, demonstrates good judgment, zeal, or ingenuity over and above what is normally demanded and expected, to preserve the life of another during a critical, volatile, or dangerous encounter while protecting the safety and security of the public and his or her fellow officers.

2. For purposes of this award, a critical, volatile, or dangerous encounter will refer to any rapidly unfolding and dynamic incident where the subject is armed and the ability or intent to use lethal force is present.

3. The award will consist of a Preservation of Life medal, a shirt pin, and a paper certificate.

d. Distinguished Service Cross - active duty sworn and reserve police officers

1. Awarded by the Chief of Police to members who are cited for gallantry not warranting a Medal of Honor or a Medal of Valor. The heroic act(s) performed must render the individual conspicuous and well above the standard expected.

2. The award will consist of a Distinguished Service Cross, a shirt pin, and a paper certificate.

e. Purple Heart Award - active duty sworn and reserve police officers, CS employees, VIPs, and community members:

1. Awarded by the Chief of Police to an individual who is seriously or critically injured while performing a heroic and/or police action. This award will be limited to those cases resulting from attack by an assailant, personal combat, or the performance of an act of valor.

2. This Purple Heart can be awarded in conjunction with other awards.

3. The award will consist of an enamel bar and medal for sworn officers, and a paper certificate for CS employees, VIPs, and citizens.

f. STAR (Superior Tactics and Response) Award - active duty sworn and reserve police officers:

1. Awarded to an individual who, through exceptional tactics, acts to successfully resolve a critical incident, thereby promoting a culture of safety and professionalism to which all officers should aspire. The tactics displayed or performed must be conspicuously effective and above the standard expected.

2. Exceptional tactics includes utilization of proper tactics and appropriate force which mitigated the level of danger and which were directly responsible for preventing the incident from escalating to a deadly force situation.

3. The award will consist of an enamel bar and a paper certificate.

g. Police Merit Award – active duty sworn and reserve police officers, and CS employees:

1. Awarded by the Chief of Police to an individual who distinguishes themselves with exceptional meritorious service. Through personal initiative, tenacity, and great effort acts to solve a major crime or series of crimes, or develops a program or plan which contributes significantly to the department’s objectives and goals.

2. The award will consist of an enamel bar for sworn officers and a paper certificate for CS employees.

h. Excellence in Crime Prevention - active duty sworn and reserve police officers, CS employees, VIPs, and community members:

1. Awarded to an individual who demonstrates personal initiative and ingenuity by developing a program or plan which contributes significantly to the department’s crime prevention strategy, or through innovation combats issues affecting the community.
2. The award will consist of an enamel bar for sworn officers, and a paper certificate for CS employees, VIPs, and citizens.

i. Lifesaving Award - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
   1. Awarded by the Chief of Police to an individual who, through exceptional knowledge and behavior, performs a physical act which saves the life of another person and there is no danger to the individual’s life.
   2. The award will consist of an enamel bar for sworn officers, and a paper certificate for CS employees, VIPs, and citizens.

j. Community Service Award - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
   1. Awarded to an individual who, by virtue of sacrifice and expense of his/her time or personal finance, fosters or contributes to a valuable and successful program in the area of community service or affairs, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
   2. This award will consist of a paper certificate.

k. Official Commendation - active duty sworn and reserve police officers, CS employees, VIPs, and community members:
   1. Awarded to an individual who by exemplary conduct and demeanor, performs at a superior level of duty, exhibiting perseverance with actions resulting in a significant contribution to the department and/or improvement to the quality of life in the community.
   2. The award will consist of a paper certificate.

l. Chief's Unit Citation
   1. Awarded by the Chief of Police to an entire unit, section, or bureau/district of the department whose members perform their assigned function in an unusually effective manner.
   2. The award will consist of a fabric streamer for display in conjunction with the bureau/district flag and a paper certificate.

m. Innovation in Police Service Unit Citation
   1. Awarded by the Chief of Police to a division, district, or bureau in recognition of innovative efforts and support of the community or department to address social harms, improve resiliency and wellness in our members, or improve prosocial policing practices. Innovations should further the department’s efforts to be the safest, most equitable city in the country.
   2. The award will consist of a fabric streamer for display in conjunction with the bureau/district flag and a paper certificate.

n. Excellence in Crime Prevention Unit Citation
   1. Awarded by the Chief of Police to a division, district, or bureau in recognition of exceptional, quantifiable policing efforts to address and reduce the frequency of adverse impacts of one or more crime types within the Denver community. Programs or focused efforts can be related to education, alternatives to traditional criminal justice approaches, community or agency collaborations, and/or enforcement.
   2. The award will consist of a fabric streamer for display in conjunction with the bureau/district flag and a paper certificate.

o. Community Hero Award – CS employees, VIPs, and community members:
1. Awarded to a community member who provided assistance to a law enforcement officer in response to a criminal or emergency incident, placing themselves in danger of bodily injury.

2. The award consists of a certificate and a pin for wearing on clothing.

p. Outstanding Volunteer Award - active duty sworn and reserve police officers, CS employees and VIPs:
   1. Awarded by the Chief of Police to an individual who, by virtue of sacrifice and expense of his or her time, fosters or contributes to a valuable and successful program in the area of the department's mission, vision and values, or who acts to substantially improve police/community relations through contribution of time and effort when not involved in an official capacity.
   2. This award will consist of a paper certificate.

q. Officer of the Year Award - active duty sworn police officers:
   1. This award will be presented annually to an officer who has represented the department in all facets of law enforcement with a commitment to excellence, in support of the mission and values of the organization. The officer has consistently persevered in the prevention of crime and demonstrated initiative, leadership, and dedication to the law enforcement profession.
   2. This award may be presented annually to an individual officer, technician, corporal, detective, sergeant, or command officer, or as determined by the Chief of Police.
   3. The award will consist of a plaque and a shirt pin.

r. Career Service Employee of the Quarter:
   1. This award will be presented quarterly to a CS employee who continually performs their duties through perseverance and dedication to excellence and outstanding customer service. Demonstrating a positive attitude when interacting with others and highly motivated with innovative ideas to improve efficiency, benefiting the department and community. Documentation of positive customer feedback will be considered for this award.
   2. The award will consist of a paper certificate.

s. Career Service Employee of the Year Award:
   1. This award will be presented annually to a CS employee who has represented the department in all facets of service with a commitment to excellence, in support of the values of the organization, and a desire to represent the department in the manner in which they were hired.
   2. The award will consist of a plaque.

t. Volunteer of the Year Award – Volunteers in Police Service:
   1. This award will be presented annually to a volunteer in the program with a distinguished commitment to excellence, in support of the values of the organization.
   2. The award will consist of a plaque.

503.03 POLICE PERFORMANCE EVALUATION

(1) REQUIREMENT:
The Police Performance Evaluation will be completed annually for each officer up to and including the rank of commander. It will document an officer's performance throughout the calendar year, regardless of any change to assignment or rank. Evaluations must be finalized by supervisors through Workday with a final electronic submission date to be determined by the Chief of Police (or designee).
(2) **General Overview:**

Using designated assessment categories and providing other relevant and/or required information the Police Performance Evaluation is comprised of an officer self-assessment, supervisor assessment, and a 2nd level manager review. To ensure all officers are evaluated consistently, Job Aids have been created and placed on DPDWeb.

(3) **Journal Entries:**

Journal entries will be documented within Workday and referenced by supervisors to record incidents of noteworthy attention to duty or minor misconduct by their subordinate officers throughout the year. Commendations as well as disciplinary matters, including sustained formal disciplinary actions, will also be noted.

a. The recommended number of journal entries per officer is one per month.

b. Instances of oral counseling or admonishment administered for failures of standard policy or procedural guidelines (e.g., tardiness, incomplete reports, etc.) should be recorded in a journal entry and will not be termed an oral reprimand unless formalized by a sustained internal affairs complaint.

c. No officer will have any comment adverse to his/her interest entered in a journal entry or personnel file without having the opportunity to read the instrument containing the comment. To appeal a journal entry, see section (7).

d. If disputing a journal entry, officers may also add comments to the entry within Workday.

(4) **Supervisor/Command Responsibility:**

Each officer will be evaluated by his/her immediate supervisor.

a. Supervisors within an officer’s chain of command may access all completed journal entries and performance evaluations under their purview.

b. Supervisors will ensure that performance evaluations for personnel within their chain of command are completed in accordance with established timelines.

(5) **Bi-Annual Assessment:**

Supervisors will at a minimum hold a mid-year and end-of-year assessment meeting with officers.

a. Mid-year assessment meetings will be documented by supervisors in Workday with a journal entry, describing strengths, areas to improve, and any other relevant information.

b. End-of-year assessment meetings will be held in accordance with the Police Performance Evaluation process described in the Job Aids and documented within Workday. All assessment categories and relevant information will be discussed.

(6) **Rating Changes and Additions:**

a. Changes and additions will be made in accordance with the Job Aids.

b. Prior to finalization of an evaluation and its presentation to an officer, 2nd level managers and higher-ranking personnel who were within an officer’s chain of command during the evaluation period may change the rating and/or add comments. Officers will be notified of any such changes and may review them within Workday.

(7) **Appeal Process:**

Officers can appeal any performance evaluation rating or journal entry within thirty (30) days of the date they were first notified. Appeals must be in writing (DPD 200 or email) detailing the reasons why a change should be made.

a. Officers below the rank of lieutenant will submit their appeal through the chain of command to their division/district commander or director. The final decision for any appeal rests with the respective division/district commander or director.

b. Lieutenants, captains, and commanders will submit their appeal through the chain of command to
the officer ranked directly above their immediate supervisor. The final decision for any appeal rests with the ranking officer directly above the immediate supervisor.

c. Approved changes for completed evaluations may require the assistance of Safety HR and/or Technology Services to complete.

d. All appeal documentation will be forwarded to Safety HR for inclusion within the officer’s personnel file.

(8) **RECRUIT OFFICERS / POLICE TRAINING PROGRAM OFFICERS:**

The Police Performance Evaluation does not apply to recruit officers or probationary officers while participating in the Police Training Program. The Academy Unit is responsible for providing a means of documenting performance while in the academy or in the Police Training Program. The Police Performance Evaluation as referenced in this section will be utilized upon successful completion of the Police Training Program.

a. While assigned to the police academy, recruit officers are evaluated by their performance on written and practical tests designed to measure knowledge and application of basic police functions. Outstanding and deficient performance is documented in the ADORE application. Additionally, recruits are introduced to the Police Training Officer (PTO) model of training at the academy. In the PTO model, recruits document their own performance through training notes and coaching and training reports (CTR). Supervisors assess these self-evaluation tools for accuracy and resolve any discrepancies by working with the recruit.

b. After leaving the academy and while receiving field training, each probationary officer will be evaluated by a Police Training Evaluator (PTE) at least twice during training using the PTO Evaluation Report. The PTO Evaluation report will be reviewed and approved by the appropriate training coordinator and PTO Administrator, and reviewed with the probationary officer. The evaluation report is stored in the ADORE application, and may be accessed by training and command staff.

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503.04 **PERSONNEL ASSESSMENT SYSTEM (PAS)**

(1) **PURPOSE:**

The Personnel Assessment System (PAS) is a Denver Police Department program created to increase police accountability and reduce department liability through a system of recognition and intervention. The goal of PAS is to enhance the success of Denver police officers by identifying individual performance problems followed by the application of intervention techniques designed to improve performance.

a. The department’s provision of training, counseling, support, and other services under this policy does not in any way diminish an officers’ ultimate responsibility for his/her performance, including the correction of any identified performance deficiencies.

b. Nothing in this policy should be construed to suggest that a PAS intervention is a replacement for the department’s disciplinary procedures.

c. When required, participation in a personnel assessment strategy is mandatory.

(2) **DEFINITIONS:**

**PAS** – The Personnel Assessment System (PAS) is a non-disciplinary process used to identify and address performance issues early in their development. PAS relies primarily on supervisor observation and input, and is complemented by a computer program that draws information from existing databases of incidents such as, commendatory actions, uses of force, and citizen complaints.

**Referral** - A referral is a direct recommendation made into the PAS program. Recognizing the need for the human element in employee success, referrals may be made by managers, supervisors, peers, family, or friends. In addition, concerned officers may self-refer. Referrals may be based on information discovered in PAS data sources, personal observations, or knowledge of other circumstances that could
have an adverse effect on officer performance. Referrals may be made directly to the Performance Development Unit (PDU), or to any other supervisor or command officers who will bring the referral to the attention of PDU.

**Review** - A review of an officer’s performance and conduct may occur as a result of several circumstances and will be based on the totality of the circumstances. For example, a review may be initiated as a result of a single Internal Affairs Division (IAD) investigation, a single complaint coupled with other performance issues, a possible pattern of complaints or misconduct, or by reaching established review limits. A review may involve a management or supervisory examination of all available information pertaining to officer(s) that may or may not indicate a need for intervention. The goal of the review is to determine whether any level of intervention is needed to assist the officer.

**Review Limits** - Review limits determine the number or frequency of incidents tracked in the PAS computer program that may warrant a review. Review limits may be adjusted periodically by the Chief of Police. Review limits will be made public to all officers.

Review limits are meant to prompt an examination of an officer’s performance that may indicate a disparity compared to similarly situated officers. Review limits are meant to be practical and reasonable. Additionally, not all performance data available in the PAS system will have a related review limit. The identification of effective review limits is an ongoing process impacted by the availability of performance related information, technology, and the proper identification of indicators of officers with performance problems.

**Performance metrics that will trigger a mandatory PAS review (reviews are conducted on a monthly basis):**

- Three (3) of any one incident type within the previous three (3) months
- A total of four (4) or more incident types (any combination) within the previous three (3) months
- Six (6) of any one incident type within the previous twelve (12) months
- A total of seven (7) or more incident types (any combination) within the previous twelve (12) months
- Two (2) or more accidental and/or deliberate firearm discharges in one (1) year

*NOTE: Incident types include use of force (excluding cases where no force was used but the suspect complained of injury), formal complaints (including newly named defendants in civil lawsuits), and officer involved critical incidents. Multiple incident types that stem from a single event will not be counted twice. Exonerated or Unfounded complaint cases, and Declined complaint cases (BWC or mediation) will not count as an incident type within the PAS review.*

**Response Level** - The response level will be based on each particular PAS review or referral. Response levels are intended to improve officer performance and are not a disciplinary action. There are two possible levels of response that may be applied to a review:

- Level One - Notification
- Level Two - Intervention

**PROCEDURES FOR PAS REVIEW OR REFERRAL**

PAS information is confidential and will not be disseminated to unauthorized persons, either internally or outside the department. Individual users are responsible to maintain the security of the PAS computer program. PAS may not be used for personal use or gain, and misuse of PAS may result in discipline.

a. PAS printouts may be referred to as needed; however, they will not be attached to evaluations or any other reports including IAD investigations.

b. Individual officers are encouraged to review their own EIIS computer system information on a frequent basis. Reviewing EIIS information allows the officer the opportunity to ensure the accuracy of EIIS data and to monitor multiple performance indicators. An officer who finds data that they believe is inaccurate should inform their immediate supervisor of the records in
question. The supervisor will then contact the PDU with a description of the possibly inaccurate data. The PDU will cause the record in question to be corrected when appropriate and inform the officer and the supervisor of the outcome.

c. Regardless of the origin of a review of an officer’s performance under this policy, one of the response levels detailed below will be used:

1. **Level One – Notification:**
   Based on the totality of the information available, the issue is of such a nature as to necessitate the notification of the officer and their commander. The officer’s commander will notify the officer.
   - The commander will coordinate with the Performance Development Unit and/or the Academy to identify any appropriate resources to which the officer may be referred.
   - The officer’s input will be sought in order to identify an informal response plan that will help correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
   - The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
   - All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.
   - Command officers may elevate any officer to a Level Two – Intervention response when that officer receives a second PAS review within twelve (12) months. Should the command officer decide on a Level One – Notification, an explanation must be provided detailing the reasons.
   - A third PAS review within twelve (12) months will automatically be escalated to a Level Two - Intervention response.
   - A lieutenant will address and respond to a Level One review with input from the officer’s sergeant.
   - A journal entry within the officer’s performance evaluation will be made noting the Level One – Notification review. (Assessment score: Not Applicable)

2. **Level Two – Intervention:**
   Based on the totality of the information available, the issue is of such a nature as to necessitate a formal intervention, which includes a written plan. The officer’s commander will notify the officer.
   - The commander will coordinate with Performance Development Unit and/or the Academy Unit to identify any appropriate resources to which the officer may be referred.
   - The commander will coordinate with his/her division chief and Performance Development Unit and/or the Academy Unit to determine the appropriate form of intervention.
   - The officer’s input will be sought in order to help determine a course of action that will help to correct any possible deficiencies. The commander will provide a written explanation to the Chief of Police, through the chain of command, within fourteen (14) days of receipt of the notice, detailing their actions.
   - The Performance Development Unit will retain copies of all PAS response plans once approved by the Chief of Police.
All documentation of completed training during PAS plans will be forwarded to the Performance Development Unit.

(4) **Remedial Plans:**
The response will include a written remedial plan detailing the efforts being made to correct any performance and conduct issues of concern. Template language will be avoided and each plan should be tailored to the individual officer and his/her needs for improvement.

a. Written plans will include specific goals, structure, oversight and support.

b. Plans will mandate weekly meetings with a sergeant to gauge progress, and will be documented in a journal entry.

c. Plans will include a monthly meeting with a sergeant and lieutenant, and will be documented with a journal entry.

d. The remedial plan will be signed by the officer indicating that the response has been reviewed. The officer’s progress must be monitored and formally reported to the Chief of Police through the chain of command.

e. At the conclusion of the plan, a report noting the results will be completed by the assigned command officer and forwarded to his/her respective division chief within 14 days. A final journal entry will be made in the officer’s record noting the outcome of the plan.

(5) **Intervention Strategies:**
Appropriate intervention strategies may include:

a. Referral to Peer Support, psychological services, police chaplain, Denver Police Resiliency Program, Employee Assistance Program, or other appropriate employee support system.

b. Coordination with the Academy Unit to identify training needed to improve an officer’s performance.

c. Non-disciplinary coaching or direction by the officer’s supervisor, developing a monitoring program or a follow-up plan, or encouraging the officer to help the supervisor determine the best intervention option for the situation.

d. Mandatory department authorized training, targeting personal or professional problems that the officer may be facing (i.e. communications, cultural awareness, coping with stress, anger management, or skills training such as remedial driving, arrest control techniques, etc.).

e. Reassignment or transfer.

f. Recommending policy revisions or additions, or departmental training needs.

g. Provide direct supervisory observation by assigning a corporal or sergeant to accompany, or “shadow” the subject officer for a time period and frequency determined by the officer’s commander. This strategy is strongly encouraged, recognizing that staffing levels can be a factor.

h. Online Police One training videos

(6) **Roles and Responsibilities:**

a. Performance Development Unit (PDU) Responsibilities:

1. PDU is responsible for establishing and administering the PAS, and generating reports specified in this policy, as requested by a commanding officer for personnel under their command, or as otherwise directed by the Chief of Police.

2. PDU coordinates with psychological services, Peer Support, the Training Section, the Denver Employee Assistance Program, and other available services to develop effective intervention strategies. The purpose of the intervention is to enhance employee success by addressing behavior before the conduct becomes more serious or a disciplinary issue.
3. Whenever a referral or review is initiated, PDU will prepare documentation for review by the assigned commander in order to determine the appropriate level of response.

4. At a minimum, PDU will produce a monthly report detailing officers who have reached a review limit for three (3) and twelve (12) month thresholds.
   - PAS reports will be generated for Districts 1, 3, 5, Metro/SWAT and Gang Unit at odd month intervals.
   - PAS reports will be generated for Districts 2, 4, 6, Traffic Operations Section and all others at even month intervals.

5. PDU will monitor the officer’s completion of assigned requirements on all Level One - Notifications and Level Two - Interventions.

6. PDU draws no conclusions concerning the generated reports. PAS reports are intended to assist command and supervisory personnel in the evaluation and guidance of their subordinates. PAS reports alone will not form the basis for disciplinary action.

7. Develop and share weekly reports that outline the number of delinquent PAS reviews and number of PAS reviews by bureau, division, district, section, or unit.

8. K9 bite related use of force incidents will not be included in the Personnel Assessment System; instead, the Chief’s Office will rely on the quarterly reports generated from the Metro/SWAT Section. A PAS Report may be initiated after a review of these reports by the Chief of Police (or designee).

b. Command Officer Responsibilities:
   1. Command officers are required to review the EIIS information for the supervisors under their command at least once a month. The command officer must ensure that such supervisors are reviewing the EIIS information of the officers under their span of control once per month to make certain that no issues have gone unrecognized.
   2. When a command officer has identified a subordinate who may need a review, the command officer will gather the necessary documentation. PDU may be called upon for assistance.
   3. Command officers are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Command officer oversight will be tracked within the command officer’s performance evaluation system as an “action plan” for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the command officer working with the supervisor and/or officer to accomplish the plan, and the proper weekly documentation of the plan.

c. Supervisory Officer Responsibilities:
   1. All supervisory officers are required to review the EIIS information for the officers under their span of control a minimum of once a month. Supervisory review of EIIS is also required during preparation of officer performance evaluations.
   2. When a supervisory officer has identified a subordinate who may need a review, the supervisor will gather the necessary documentation. The supervisor will then make a determination of the level of response required or will refer the review to the appropriate chain of command.
   3. Nothing in this policy precludes a supervisor from intervening with an officer before a referral is made or a review is initiated. Through personal observation and available performance data, the EIIS program can best be utilized by supervisors to identify opportunities to improve officer performance.
4. Supervisors are responsible for the development, execution and documentation of any necessary remedial plans implemented under their supervision. Supervisory oversight will be tracked within the supervisor's performance evaluation system as an "action plan" for that quarter. The outcome rating will be based on the success or failure of the plan implemented, the effort exhibited by the supervisor working with the officer to accomplish the plan, and the proper weekly documentation of the plan.
RULES AND REGULATIONS
FOR THE

POLICE DEPARTMENT
OF THE CITY AND COUNTY
DENVER, COLORADO

Effective 1st Day of May 1972

Approved by the
City Attorney
Executive Director of Safety
Chief of Police
RULES AND REGULATIONS

Table of Contents

Oath of Office
Code of Ethics
Terminology
Preamble

RR – 100 Conduct

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>102</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>102.1</td>
<td>Duty to Obey Departmental Rules and Mayoral Executive Orders</td>
</tr>
<tr>
<td>102.2</td>
<td>Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals</td>
</tr>
<tr>
<td>103</td>
<td>Aid Another to Violate Rule</td>
</tr>
<tr>
<td>104</td>
<td>Deleted 06/2015</td>
</tr>
<tr>
<td>105</td>
<td>Conduct Prejudicial</td>
</tr>
<tr>
<td>106</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>106.1</td>
<td>Immoral Conduct</td>
</tr>
<tr>
<td>106.2</td>
<td>Sexual Misconduct</td>
</tr>
<tr>
<td>107</td>
<td>Always on Duty</td>
</tr>
<tr>
<td>108</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>108.1</td>
<td>Plainclothes Officers - Identification</td>
</tr>
<tr>
<td>108.2</td>
<td>Protecting Identity of Undercover Officers</td>
</tr>
<tr>
<td>109</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>109.1</td>
<td>Commission of an Offensive Act While Intoxicated</td>
</tr>
<tr>
<td>109.2</td>
<td>Unfit for Duty</td>
</tr>
<tr>
<td>109.3</td>
<td>Drinking on Duty or While in Uniform</td>
</tr>
<tr>
<td>109.4</td>
<td>Under the Influence</td>
</tr>
<tr>
<td>110</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>111</td>
<td>Controlled Substances</td>
</tr>
<tr>
<td>112</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>112.1</td>
<td>Misleading or Inaccurate Statement</td>
</tr>
<tr>
<td>112.2</td>
<td>Commission of a Deceptive Act</td>
</tr>
<tr>
<td>113</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>114</td>
<td>Intimidation of Persons</td>
</tr>
<tr>
<td>115</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>115.1</td>
<td>Conduct Prohibited by Law</td>
</tr>
<tr>
<td>115.2</td>
<td>Aggravated Conduct Prohibited by Law</td>
</tr>
<tr>
<td>116</td>
<td>Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law</td>
</tr>
<tr>
<td>117</td>
<td>Disobedience of an Order</td>
</tr>
<tr>
<td>118</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>119</td>
<td>Sleeping on Duty</td>
</tr>
<tr>
<td>120</td>
<td>Appropriating Property</td>
</tr>
<tr>
<td>121</td>
<td>Off Duty in Uniform</td>
</tr>
<tr>
<td>122</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>122.1</td>
<td>Respect for Fellow Officer</td>
</tr>
<tr>
<td>122.2</td>
<td>Abuse of Fellow Officer</td>
</tr>
<tr>
<td>122.3</td>
<td>Insubordination</td>
</tr>
<tr>
<td>123</td>
<td>Assault of Fellow Officer</td>
</tr>
<tr>
<td>124</td>
<td>Deleted 10/2008</td>
</tr>
<tr>
<td>125</td>
<td>Punctuality (Scheduled Discipline)</td>
</tr>
</tbody>
</table>

RR – 100 Conduct (Continued)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>126</td>
<td>Amusement Places Restrictions</td>
</tr>
<tr>
<td>127</td>
<td>Responsibilities to Serve Public</td>
</tr>
<tr>
<td>128</td>
<td>Deleted 10/2008</td>
</tr>
</tbody>
</table>
128.1 Impartial Attitude
128.2 Impartial Attitude - Bias
129 Giving Name and Badge Number
130 Deleted 10/2008
130.1 Failure to Aid or Protect Fellow Officers - Unreasonable
130.2 Failure to Aid or Protect Fellow Officers - Intentional or Reckless
131 Deleted 10/2008
132 Purchase of Forfeited Property
133 Deleted 10/2008
134 Deleted 8/2004
135 Deleted 4/2004
136 Use of Tobacco Products in Police Facilities
137 Collective Bargaining Fair Share Fee
138 Discrimination, Harassment, and Retaliation
139 Deleted 10/2008
140.1 Discourtesy
140.2 Verbal Assault and Abuse of the Public
141.1 Prohibited Associations
141.2 Reporting of Prohibited Associations
142 Soliciting Preferential Treatment

RR - 200 Rewards and Gratuities
201 Deleted 10/2008
202 Soliciting or Accepting a Bribe
203 Accepting Gifts from Persons of Bad Character
204 Soliciting, Accepting Gifts, Gratuities
205 Giving Testimonials, Seeking Publicity
206 Soliciting Business

RR - 300 Use of Force and Arrests
301 Deleted 10/2008
302 Personal Family Disputes
303 Trivial Offenses
304 Traffic Enforcement When Not in Uniform
305 Duty to Protect Prisoner
306 Inappropriate Force
307 Posting Bail
308 Aiding an Escapee
309 Deleted 10/2008
309.1 Suggesting Bondsmen or Attorneys
309.2 Suggesting Bondsmen or Attorneys for Profit
310 Mistreatment of Prisoners/Suspects
311 Deleted 10/2008
311.1 Compromising Criminal Cases
311.2 Interference with Prosecution
312 Deleted 10/2008
312.1 Interfering with Case Assigned to Other Officers
312.2 Interfering with Internal Investigation/Questioning
312.3 Failure to Provide a Statement
313 Deleted 10/2008
314 Providing Assistance Outside the City

RR - 400 Firearms
401 Display of Firearms
402 Careless Handling of Firearms or Less Lethal Weapons
403 Restrictions on Auxiliary Weapons

RR - 500 Court
501 Personal Appearance in Court
502 Attendance in Court (Scheduled Discipline)

RR - 600 Reports, Communications, Evidence, and Discovery
601 Deleted 10/2008
601.1 Communication of Confidential Information, Generally
601.2 Communication of Confidential Information that Jeopardizes a Police Action
602 Deleted 10/2008
603 Destruction of Evidence
604 Deleted 10/2008
605 Removal of Reports and Records
606 Destruction of Reports or Records
607 Failure to Make, File, or Complete Official Reports
608 Deleted 10/2008
609 Altering Information on Official Documents
610 Deleted 10/2008
611 Deleted 10/2008
612 Answer to Official Communications
613 Unauthorized Use of Department Letterheads
614 Publication of Articles
615 Deleted 10/2008
616 Police Bulletin
617 Compliance with Discovery Requirements

RR - 700 Political Activities
701 Deleted 10/2008
702 Using Police Position to Gain Political Office
703 Soliciting Money for Political Purposes
704 Soliciting for Promotion, Appointment
705 Deleted 10/2008
706 Deleted 10/2008

RR - 800 Uniforms and Equipment
801 Deleted 10/2008
802 Uniform Restrictions While Off Duty
803 Uniform Restrictions for Officers Under Suspension
804 Exercise of Authority While Under Suspension
805 Equipment Carried on Person
806 Deleted 10/2008
806.1 Alteration of Badge Prohibited
806.2 Use of Badge by Person Other Than an Officer
807 Loss or Damage to Badge
808 Equipment and Property Restrictions on Use
809 Rough or Careless Handling of City, Departmental, or Outside Agency Property
   (Scheduled Discipline as it relates to Preventable Accidents)

RR - 900 Vehicle Operation
901 Deleted 10/2008
902 Department Vehicle Operation

RR - 1000 Civil Cases
1001 Testifying in Civil Cases
1002 Service of Civil Process
1003 Initiation of Civil Cases
1004 Testifying for Defendant

RR - 1100 Leave, Sickness, and Injury
1101 Reporting Absence Prior to Roll Call
1102 Reporting for Duty
1103  Constructive Resignation
1104  Location When Ill
1105  Reporting During Illness or Injury
1106  Feigning Illness or Injury
1107  Physical or Mental Examination
1108  Release of Medical Information
1109  Deleted 10/2008

RR - 1200  P.O.S.T. Certification of Officers
1201  P.O.S.T. Certification Required
POLICE OFFICER'S
OATH
City and County of Denver
State of Colorado

I do solemnly swear by the ever-loving God that I will support the Laws and Constitution of the United States and of the State of Colorado, and the Charter and Ordinances of the City and County of Denver; and that I will faithfully perform the duties of the office of Police Officer of the City and County of Denver, to which I have been appointed.

Denver Police Department

LAW ENFORCEMENT
CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.
TERMINOLOGY

Absent Without Leave (AWOL) - Failure to report for duty without proper and sufficient reason, and without securing proper approval in advance.

Acting - Serving temporarily in a position to which the member is not ordinarily assigned usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

Annual Leave - The vacation granted all members once each year.

Beat - An area assigned for foot patrol.

Chain of Command - The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command, down to the level of execution, and return.

CSA/Civilian Employees - Employees who are not in the Classified Service.

Classified Service - All positions and their classification which are under police civil service.

Daily Bulletin - The official publication of the Department. All directions contained in the bulletin have the force and effect of Department orders.

Directive - Permanent written orders issued by the Chief of Police, Deputy Chief, Bureau, District, Division, Section, or Unit Commander intended to guide the operations of the Department, Division, Bureau, District, Division, Section, or Unit under their command.

Discharge - The act of dispensing with or terminating the services of a member.

Discovery – Disclosure of all evidence and information related to any investigation within the scope of the Colorado Rules of Criminal Procedure and the Colorado Municipal Court Rules of Procedure.

District - A section of the city in which operates a police unit subordinate to the Deputy Chief of Operations, and the Chief of Police.

District Commander - A Lieutenant or Captain assigned as a commanding officer in charge of a district station and district police personnel.

District Station - The police building that houses or serves district police personnel.

Emergency Procedure Plan - The plan of organization and disposition of personnel of the Department in coping with a major disaster, catastrophe, or civil disturbance.

Headquarters - The center of administrative operations and authority.

Immediately - The term is to be construed to mean as soon as possible and practical.

Incompetence - Incapable of satisfactory performance of police duties.

Inquest - The investigation of death conducted by the Medical Examiner's office.

Insubordination - The willful disobedience of any lawfully issued order by a superior officer, or any disrespectful, mutinous, insolent, or abusive language toward a superior officer.

Leave of Absence - An extended period during which an officer is granted leave from active duty without pay.

Leave - Death - The period of time during which an officer is excused from active duty by reason of the death of a near relative.

Leave - Military - A leave granted to serve in any of the recognized branches of Military Service.

Leave - Period - The rest period granted each 28-day work period during which the member is free from the performance of his/her regular duties.

Leave - Sick - The period of time during which an officer is granted leave from active duty by reason of illness or injury, or days in excess of required accumulated reserve.

Line Operation - All activities in which division members are engaged that directly affect the accomplishment of the police purpose. Line operations include; Patrol, Major Crimes, Investigative Support and Special Operations Divisions.

Medical Examiner Investigator - An investigator who represents or accompanies the Medical Examiner.
His/her duties are to gather factual information and evidence relative to the circumstances of death.

Member - All persons in the Classified Service on the Police Department payroll and the Chief of Police.

Neglect of Duty - Failure to give suitable attention to the performance of duty.

Off Duty - The state of a member during the rest period when he/she is free of the responsibility of performing his/her usual routine duties.

Officers - Members of the Department generally without regard to rank, division, sex, or duty. Wherever applicable, all references to he shall include she.

Off the Air – In service but not available for radio communication.

On the Air - In service with the radio equipment in operation.

On Duty - The state of a member during the period of the day (shift) when he/she is actively engaged in the performance of his/her duty.

Operations Manual - A manual prepared under the direction of the Chief of Police to outline in detail the current operating procedures of the Department.

Order - A command or instruction given by a superior to a subordinate. It may be oral or written.

Out of Service - On duty but not available for radio call or other assignment because of previous assignment, on sight police action, car trouble, etc.

Out on Traffic - Temporarily out of service but maintaining radio communication. Out on traffic for a one person car is the same as out of service.

Patrol Car - A car used by an officer in the performance of his/her patrol duties, generally, a recognizable police vehicle. A "marked car".

Plain Clothes Officer - "Any officer whose duties require him/her to wear non-uniform attire during the performance of their duties."

Post - A fixed point or location to which officers are assigned for duty.

Precinct - An area within a district assigned for motor patrol.

Procedure - It is a prescribed method of dealing with a given situation.

Report - A written or electronic communication, unless otherwise specified, relating to police matters.

Reserve Officer - A civilian who receives no pay for his/her services and whose duties are to assist the Police Department as an auxiliary officer when needed.

Rules and Regulations - A directive issued by the Chief of Police and approved by the Executive Director of Safety setting forth the rules, regulations, and procedures under which the police department will discharge its responsibilities and regulate the conduct of its officers and personnel.

Shift - The period during which an officer is on duty.

Solo Motorcycle - A two wheeled motorcycle.

Special Detail - Officers, from one or more units, grouped together for a specified mission.

Special Duty - Police service, the nature of which may require that the member be excused from the performance of his/her regular duties.

Special Orders - Written order issued by the Chief of Police of a temporary nature that ordinarily does not affect the entire Department.

Staff Supervision – The supervision by a superior officer of a subordinate not under his/her direct command for the purpose of fulfilling the staff operations of the Department.

Supervisory Officer - Officers assigned to positions requiring the exercise of immediate supervision over the activities of other officers or employees.

Superior Officer - All officers with the rank of Sergeant, Lieutenant, Captain, Commander, Deputy Chief or the Chief of Police.

Through Official Channels - Through the hands of superior officers in the chain of command.
Tour of Duty - The shift during which an individual member is on duty.

Uniformed Officer - Denoting an officer who wears a regulation police uniform.

Unmarked Car - A patrol car used by the uniformed or detective personnel with no recognizable police decals, lights or siren exposed.
RULES AND REGULATIONS

PREAMBLE

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders. Failure to comply with any of the Rules and Regulations of the Denver Police Department shall be construed a violation. Members in violation shall be subject to disciplinary action. The following provisions of conduct shall be construed as a rule violation of the Operations Manual and Directives and Orders of the Denver Police Department, but not by way of limitation.

RR-100 Conduct

RR-101 Deleted 10/2008

RR-102 Deleted 10/2008

RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders

Officers shall obey all Departmental rules, duties, procedures, instructions, and orders; the provisions of the Operations Manual; and Mayoral Executive Orders.

RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals

Any former DPD officer:

a. who has been separated from employment with DPD due to a disciplinary action or disqualification; and

b. who has a pending appeal of that disciplinary action or disqualification, or whose time to file such appeal has not yet expired shall, during the time the appeal is pending or the time for appeal has not expired, obey all state and federal statutes, municipal ordinances, the Charter of the City and County of Denver, DPD rules and regulations, and orders issued to the officer by the Department that were in effect at the time of the officer’s separation from DPD. If any former officer who violates this rule subsequently regains employment with the Department, by any means including an order of reinstatement, the Department may take disciplinary action against the former officer upon such return to service.

RR-103 Aid Another to Violate Rule

Officers shall not aid, abet or incite another in the violation of the rules, duties, orders, or procedures of the Department.

RR-104 Deleted 06/2015

RR-105 Conduct Prejudicial

Officers shall not engage in conduct prejudicial to the good order and police discipline of the Department or conduct unbecoming an officer which:

a. May or may not specifically be set forth in Department rules and regulations or the Operations Manual; or

b. Causes harm greater than would reasonably be expected to result, regardless of whether the misconduct is specifically set forth in Department rules and regulations or the Operations Manual.

RR-106 Deleted 10/2008

RR-106.1 Immoral Conduct

Officers shall not participate in any immoral, indecent, or lewd conduct.

RR-106.2 Sexual Misconduct

While on duty, an officer shall not engage in any conduct or solicit another to engage in any conduct for the purpose of sexual gratification, sexual humiliation or sexual abuse. The same conduct is also prohibited while off duty, either in uniform in a public place or in any vehicle or facility to which an officer has access by virtue of the officer’s police authority. The consent of another to engage in such sexual conduct or sexual acts is immaterial.
Always on Duty
Officers are held to be always on duty, although periodically relieved from the routine performance of it. They are always subject to orders from a supervisory officer and subject to calls from private persons. The fact that they may be technically off duty shall not relieve them from the responsibility of taking proper police action in any matter coming to their attention. When there is no urgent or immediate need for police action, they may request the dispatcher to turn the matter over to officers on duty in the district; but they shall take such police action as may be required prior to the arrival of the dispatched officers.

Deleted 10/2008

Plainclothes Officers – Identification
Members in plain clothes on or off duty shall promptly identify themselves when the necessity arises. At the scene of an emergency where it is desirable to display the badge continuously, it shall be attached to the outer-most garment.

Protecting Identity of Undercover Officers
Uniformed officers shall not acknowledge a member in civilian clothes unless first addressed.

Deleted 10/2008

Commission of an Offensive Act While Intoxicated
Officers shall not consume any intoxicating substance while off duty to an extent that results in the commission of an obnoxious or offensive act that might tend to bring discredit upon the Department.

Unfit for Duty
Officers shall not consume any substance while off duty to an extent that renders them unfit to report for his or her regular duty or on call shift.

Drinking on Duty or While in Uniform
Officers shall not consume any intoxicating substance while on duty either in or out of uniform, or off duty while in uniform, except when necessary and authorized in the performance of duty.

Under the Influence
Officers shall not consume any substance, while on duty either in or out of uniform, such that they are legally impaired except when necessary and authorized in the performance of duty.

Deleted 10/2008

Controlled Substances
Officers shall not use or possess any controlled substance as such substances are defined under Colorado Revised Statutes, except according to prescription and under the supervision of a licensed medical professional. Notwithstanding Colorado Constitutional Amendments 20 and 64, officers shall not use or possess marijuana, medical or otherwise, regardless of duty status.

Deleted 10/2008

Misleading or Inaccurate Statements
Officers shall not knowingly make a misleading or inaccurate statement relating to their official duties.

Commission of a Deceptive Act
In connection with any investigation or any judicial or administrative proceeding, officers shall not knowingly commit a materially deceptive act.

Deleted 10/2008

Intimidation of Persons
Officers shall not intimidate any person for personal reasons under the color of authority.

Deleted 10/2008

Conduct Prohibited by Law
Officers shall obey the Charter of the City and County of Denver, all City ordinances, all state and federal statutes, all lawful court orders, and all other applicable laws whether criminal, civil, traffic, or administrative.
Aggravated Conduct Prohibited by Law
Officers shall obey all state and federal statutes, specifically as they involve:

a. Any felonious conduct;
b. Any conduct prohibited as a Class One Misdemeanor; or,
c. Any criminal conduct committed on duty or under color of authority.

Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law
Officers shall not conspire with another person or persons to commit any act in violation of a City ordinance, state, or federal statute.

Disobedience of an Order
Officers shall obey any order lawfully issued by a supervisory or command officer.

Deleted 10/2008

Sleeping on Duty
Officers shall not sleep on duty.

Appropriating Property
Officers shall not appropriate any lost, found, seized, or forfeited evidential, City or Departmental property to their own use.

Off Duty in Uniform
Officers, while off duty and in uniform, shall conduct themselves as if they were on duty.

Deleted 10/2008

Respect for Fellow Officer
Officers shall treat other members of the Department with the respect due to them as fellow officers.

Abuse of Fellow Officers
Officers shall not be abusive toward a fellow officer, regardless of rank.

Insubordination
Officers shall recognize and accept the authority of superior officers and shall refrain from uttering any disrespectful, mutinous, insolent, or abusive language toward a supervisor or command officer.

Assault of Fellow Officer
Officers shall not threaten, strike, or assault any other officer of the Department.

Deleted 10/2008

Punctuality (Scheduled Discipline)
Members of the Department must be punctual in reporting for duty, attendance to all calls, requirements of duty, court appearances, and other circumstances where time is specified.

Amusement Places Restrictions
Officers on duty shall not enter any place of amusement or liquor establishment except when necessary in the performance of duty or periodic inspection. (Officers are not prohibited from eating in restaurants which are licensed to serve liquor.)

Responsibilities to Serve Public
Members shall serve the public by direction, counsel, and in other ways that do not interfere with the discharge of their police responsibilities. They shall respect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgment.

Deleted 10/2008

Impartial Attitude
Members, while enforcing the law, must maintain a strictly impartial attitude toward complainants and violators.
Impartial Attitude – Bias
Members, while enforcing the law, must maintain a strictly impartial attitude toward complainants and violators, regardless of race, color, creed, national origin, gender, age, sexual orientation, ancestry, physical or mental disability, marital status, military status, political affiliation, or religion.

Giving Name and Badge Number
When a reasonable request is made for an officer's name, badge number or assignment, the officer shall provide a business card or the information in writing to any violator or person, unless such action is likely to jeopardize the successful completion of a police assignment. Business cards are required to be provided, without being asked, to any person that an officer has detained in a traffic stop if that person is not cited or arrested. Refer to OMS 118.02(6) for more information.

Deleted 10/2008

Failure to Aid or Protect Fellow Officers – Unreasonable
Members of the Department shall not unreasonably fail to assist and protect each other in restoring peace and order, apprehending offenders, or enforcing the law.

Deleted 10/2008

Failure to Aid or Protect Fellow Officers – Intentional or Reckless
Members of the Department shall not intentionally or recklessly fail to assist and protect each other in restoring peace and order, apprehending offenders, or enforcing the law.

Deleted 10/2008

Purchase of Forfeited Property
Officers shall not purchase or attempt to purchase any item or property which they know has been seized by a criminal justice agency and legally forfeited. This shall include the purchase of a previously forfeited item or property which is offered for resale by a private retail vendor.

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Use of Tobacco Products in Police Facilities
No member of the Classified Service, Career Service employee, contract employee of the City and County of Denver, or any other person shall use tobacco products in any police facility.

"Tobacco products," as used herein, include but are not limited to: burning cigarettes, cigars, cigarillos, and pipe tobacco.

The use of tobacco products means consumption by inhalation of any burning tobacco product or any other burning material manufactured, grown, or intended for use in a manner similar to that of cigarettes, cigars, cigarillos, or pipe tobacco.

"Police facility", as used herein, means any interior part of the Police Administration Building, District Station, or any satellite office used by any unit, section, bureau, or division of the Police Department. All supervisory and command officers shall strictly enforce this regulation and shall themselves be subject to discipline for their failure to do so.

Collective Bargaining Fair Share Fee
Article IX, part 8 of the City and County of Denver Charter establishes collective bargaining for all members of the Classified Service of the Police Department and authorizes the negotiation of a fair share fee to be paid to the bargaining representative. As long as the Collective Bargaining Agreement is in force, all members of the Classified Service who are not dues paying members of the Denver Police Protective Association (DPPA), are required, as a condition of employment, to pay the designated fair share fee to the DPPA in accordance with the policy of the DPPA and Articles 5.2, 5.3, and 5.4 of the Collective Bargaining Agreement. Failure to pay the designated fair share fee to the Association will be grounds for disciplinary action, including termination.
Discrimination, Harassment, and Retaliation
Members of the Department are expressly prohibited from engaging in any form of discrimination, harassment, or retaliation, based on any class or personal characteristic protected by federal, state, or local law, or otherwise violating the Department of Safety EEO Policy found in section 117.05, the Protected Information Policy found in section 117.06, the Biased Policing Policy Statement found in section 118.01, the Biased Policing Policy found in section 118.02, or the Equal Employment Opportunity for Individuals with Disabilities Policy found in section 505.13 of the Denver Police Operations Manual.

Deleted 10/2008

Discourtesy
Officers shall at all times be courteous and civil to the public. They shall be orderly, attentive, respectful, and exercise patience and discretion in the performance of their duties.

Verbal Assault and Abuse of the Public
Officers shall not verbally assault, berate or verbally abuse any member of the public.

Prohibited Associations
Officers shall not knowingly fraternize, associate, or continue to associate with any person whom the officer reasonably believes to be engaging in or planning to commit criminal activities where further contact with such individual(s) is reasonably likely to damage public trust; adversely affect the officer’s credibility or integrity; or create the appearance of impropriety, a conflict of interest, or corruptive behavior. The only exceptions to this rule will be interactions in accordance with authorized DPD duties and relationships, including immediate family members, where the relationship has been approved by the Chief of Police or the Chief’s designee as per RR-141.2.

Reporting of Prohibited Associations
All potentially prohibited associations identified in RR-141.1 except those involving authorized DPD duties shall be promptly reported in writing to the Chief of Police or the Chief’s designee. Failure to promptly report such an association shall subject an officer to possible disciplinary action. The Chief, upon receipt of the written report, shall make a determination whether further contact is reasonably likely to damage the public trust; adversely affect the officer’s credibility or integrity; or create the appearance of impropriety, a conflict of interest, or corruptive behavior. If such a determination is made, the Chief or the Chief’s designee may then reasonably prohibit or limit such future contacts. Otherwise, the Chief or designee may expressly authorize the continued association.

Soliciting Preferential Treatment
Officers shall not attempt to use their position as Department members (including displaying a badge or identifying themselves as Department members): (i) to solicit or to attempt to solicit any preferential treatment not extended to the general public; or (ii) to solicit or attempt to obtain any benefit to which they would not otherwise be entitled except in furtherance of official duties or as allowed by Department or City rule, policy, procedure or authorized practice.
RR-200  REWARDS AND GRATUITIES

RR-201  Deleted 10/2008

RR-202  Soliciting or Accepting a Bribe
Officers shall not solicit or accept a bribe.

RR-203  Accepting Gifts from Persons of Bad Character
Officers shall not knowingly receive anything of value whatsoever or services, whether as a gift or as the result of purchase or trade, from suspects, prisoners, arrestees, prostitutes, or other persons whose vocations may profit from information obtained from the police, or from relatives, employees, or associates of any of these persons.

RR-204  Soliciting, Accepting Gifts, Gratuities
Individual members shall not solicit or accept any money, gift, gratuity, loan, present, or fee in connection with their duties as a Denver police officer or in representing the Denver Police Department, except as permitted by the Denver Ethics Code. With written approval of the Chief of Police, some recognized and sanctioned forms of soliciting funds or goods for a benevolent or charitable cause by members will be permitted.

RR-205  Giving Testimonials, Seeking Publicity
Members shall not give testimonials or permit their names or photographs to be used for advertising purposes without the approval of the Chief of Police. Members shall not seek personal publicity either directly or indirectly in the course of their employment.

RR-206  Soliciting Business
Members shall not solicit subscriptions; sell books, papers, tickets, merchandise, or other things; or collect or receive money or other things of value from the public for any purpose whatsoever, while on duty or in uniform or representing oneself as a member of the Department, except as authorized by the Chief of Police.

RR-300  USE OF FORCE AND ARRESTS

RR-301  Deleted 10/2008

RR-302  Personal Family Disputes
Officers shall not take police action or make arrests in their own quarrels or in those involving their families or their neighbors, except under such circumstances as would justify them in using self defense or to prevent injury to another or when a serious offense has been committed.

RR-303  Trivial Offenses
Officers shall not make arrests for offenses when a warning or citation would suffice.

RR-304  Traffic Enforcement When Not in Uniform
Unless in uniform and operating a police vehicle, or performing police secondary employment in uniform, off-duty officers shall not arrest or issue citations, verbal warnings, or written warning citations for minor traffic offenses. Off-duty officers who witness a serious or flagrant violation will, when practical, summon on-duty personnel to execute a stop of the violator, and must confer with an on-duty supervisor to obtain approval prior to issuing a citation or arresting the violator.

RR-305  Duty to Protect Prisoner
Officers shall not physically abuse a prisoner and shall not allow a prisoner in their custody to be physically abused by any person.

RR-306  Inappropriate Force
Officers shall not use inappropriate force in making an arrest or in dealing with a prisoner or any other person.

RR-307  Posting Bail
Officers shall not post bail for any person arrested, except members of their own immediate families.
Aiding an Escape
Officers shall not aid or abet any prisoner to escape.

Deleted 10/2008

Suggesting Bondsmen or Attorneys
Officers shall not suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested, except to members of their own immediate families.

Suggesting Bondsmen or Attorneys for Profit
Officers shall not, for personal gain or benefit, suggest or recommend specific attorneys, bondsmen, or bail brokers to any person arrested.

Mistreatment of Prisoners/Suspects
Prisoners and suspects shall be treated in a fair and humane manner.

Deleted 10/2008

Compromising Criminal Cases
Officers shall not become involved in making any promises or arrangements between a suspect and his/her victim intended to permit the offender to escape the full penalty provided by the law. Nothing herein shall limit or restrain an officer from the reasonable exercise of discretion in the resolution of minor complaints.

Interference with Prosecution
Officers shall not interfere with the courts or, for personal gain or benefit, use their official positions to make any arrangements for any suspect to escape prosecution.

Deleted 10/2008

Interfering with Case Assigned to Other Officers
Officers shall not interfere with any case assigned to another officer. Nor shall any officer interfere with the operation of any other division, bureau, section, or unit of the Department; other government agency; or any lawful private business.

Interfering with Internal Investigation/Questioning
An officer shall not engage in conduct or have direct or indirect contact with any witness, complainant, or investigator which is intended to obstruct, compromise, or interfere with an internal investigation, regardless of which Denver Police or authorized city entity initiated or is conducting the investigation.

Failure to Provide a Statement
Once ordered to do so, officers are required to provide a complete and truthful statement to any authorized Internal Affairs officer, supervisor, commander, representative of the Internal Affairs Division, the Executive Director of Safety's EEO Coordinator, or anyone else to whom the Executive Director of Safety has delegated the authority to compel statements.

Deleted 10/2008

Providing Assistance Outside the City
Officers shall not go outside the jurisdiction of the City and County of Denver during their regular duty shift except:

a. in cases of fresh pursuit;

b. when sent by proper authority;

c. when there appears to be an emergency or need for assistance; or

d. when authorized to do so by a supervisory officer.
RR-400  FIREARMS

RR-401  Display of Firearms
Officers shall not unnecessarily draw or display any firearm.

RR-402  Careless Handling of Firearms or Less Lethal Weapons
Officers shall not carelessly handle a firearm or less lethal weapon at any time.

RR-403  Restrictions on Auxiliary Weapons
Officers shall not carry auxiliary weapons, either on their person or in vehicles, without the approval of a commanding officer.

RR-500  COURT

RR-501  Personal Appearance in Court
Officers appearing in court as witnesses or for any other reason shall appear in the regulation uniform or acceptable business attire with dress shirt and tie.

RR-502  Attendance In Court (Scheduled Discipline)
All officers who receive subpoenas shall make proper return on each and will be held strictly accountable for appearance on a punctual basis. Officers unable to attend court, or those who expect to be late, must notify the Court Liaison Office.

RR-600  REPORTS, COMMUNICATIONS, EVIDENCE, AND DISCOVERY

RR-601  Deleted 10/2008

RR-601.1  Communication of Confidential Information, Generally
Members shall not impart official information of a confidential nature to anyone, except to those for whom it is intended, as directed by their commanding officer, or under due process of law. They shall not reveal to any private person the identity of an informant or any individual who has provided information upon the condition of anonymity.

RR-601.2  Communication of Confidential Information that Jeopardizes a Police Action
Officers shall not communicate, except to authorized persons, information which may jeopardize an arrest, police action, or investigation or which may aid a person to escape or attempt to escape.

RR-602  Deleted 10/2008

RR-603  Destruction of Evidence
Officers shall not recklessly or negligently destroy or remove evidence, nor shall officers intentionally destroy or remove evidence, except as legally permissible.

RR-604  Deleted 10/2008

RR-605  Removal of Reports and Records
Officers shall not, without proper authority, remove Department reports or records from the division or bureau where they are maintained.

RR-606  Destruction of Reports or Records
Officers shall not except on the order of the Chief of Police, destroy or permanently remove from its file any Departmental report or record.

RR-607  Failure to Make, File, or Complete Official Reports
Officers shall not fail to make, file, or complete required reports and records. Members shall make reports promptly, accurately, and completely in conformity with specifications of the Department. Members shall make all necessary reports before going off duty unless a supervisor/commander authorizes the delay.

RR-608  Deleted 10/2008

RR-609  Altering Information on Official Documents
Officers shall not unnecessarily change, alter, or otherwise distort the information on any official document.
**Answer to Official Communications**

All official communications, telegrams, circulars, and other correspondence sent out from this Department shall conform to the format prescribed by the Chief of Police.

**Unauthorized Use of Department Letterheads**

Officers shall not use Police Department letterheads except for authorized Departmental correspondence.

**Publication of Articles**

Articles prepared for publication in which the member identifies themselves as a DPD member must be submitted in their entirety to the Chief of Police for approval prior to publication and be in the best interest of the Department. Materials obtained or created during a member’s official duties remain the property of the Denver Police Department. Members must articulate the intended purpose and obtain prior approval from the Chief of Police before using any Department materials such as photos, videos, audio recordings, reports, badge images, and photos of department personnel, equipment, or buildings for training or publication purposes. Articles include, but are not limited to, items published in books, magazines, newspapers, and other periodicals as well as items posted in electronic sharing sites such as blogs, Facebook, MySpace, Twitter, or other similar online journals or news sites.

**Police Bulletin**

Members of the Classified Service shall familiarize themselves with the information printed in the Police Bulletin.

**Compliance with Discovery Requirements**

Officers shall document and protect all information and evidence gathered and collected during any arrest or criminal investigation. Members shall provide all files, books, papers, documents, photographs, audio and video recordings, and tangible objects collected and created as part of an arrest or criminal investigation, to the investigative case file or Property Management Section under the assigned general offense (GO) number.

**POLITICAL ACTIVITIES**

**Using Police Position to Gain Political Office**

Officers, while seeking or holding political office shall not appear in that capacity in the Denver Police uniform or use their positions as police officers to gain political office or carry out the duties thereof.

**Soliciting Money for Political Purposes**

Officers shall not solicit money or other things for political purposes while in uniform or on duty or in any room or building occupied for the discharge of official police duties.

**Soliciting for Promotion, Appointment**

Officers shall not solicit petitions for promotions, appointments, or change of duty, or promote any political influence to effect such an end for themselves or any other member of the Department.
UNIFORMS AND EQUIPMENT

Uniform Restrictions While Off Duty
Off duty officers are restricted in the use of their uniforms as follows:

a. They may wear their full uniform in going to and from work.

b. When wearing civilian headgear or when bareheaded and wearing partial uniform, officers shall wear a civilian coat as their outermost garment.

c. No civilian attire shall be worn with the uniform cap or helmet.

Uniform Restrictions for Officers Under Suspension
The uniform shall not be worn while an officer is under suspension.

Exercise of Authority While Under Suspension
Officers shall not exercise police authority while under suspension.

Equipment Carried on Person
Officers shall carry their badge and I.D. Card and be armed at all times, except as provided by the Operations Manual.

Alteration of Badge Prohibited
The badge shall not be altered, exchanged, or transferred except by order of the Chief of Police. Members shall not use another member's badge or official police credentials without permission of the Chief of Police.

Use of Badge by Person other than an Officer
Officers shall not permit any person not appointed a member of the Police Department to use an official badge or credential at any time.

Loss or Damage to Badge
When a member's badge is lost or damaged, that member shall report the loss or damage through channels in writing to the Chief of Police. The cost of replacement or repair will be charged to the member unless he/she can show that such loss or damage was not incurred through personal negligence.

Equipment and Property Restrictions on Use
Officers are prohibited from using Police Department property or vehicles in the conduct of their own personal or private affairs without approval of a Commander or the Chief of Police.

Rough or Careless Handling of City, Departmental or Outside Agency Property
Members shall use care in handling City, Departmental or outside agency property and shall report immediately any that is lost, damaged, or in bad order.

VEHICLE OPERATION

Department Vehicle Operation
Officers shall not allow any non-member of the Classified Service to operate any vehicle of this Department without permission of their commanding officer.

CIVIL CASES

Testifying in Civil Cases
Officers shall not testify in civil cases unless legally summoned.

Service of Civil Process
Officers shall not serve civil process except those initiated by the City or as required by the Colorado Revised Statutes and specifically authorized by Departmental procedure.
Initiation of Civil Cases
Officers shall not initiate civil action arising out of their official duties without first notifying the Chief of Police.

Testifying for Defendant
Any member subpoenaed to testify for the defense in any trial or against the City of Denver or interest of the Department in any hearing or trial shall forthwith notify his/her commanding officer, district or city attorney, and Civil Liability, as necessary.

LEAVE, SICKNESS AND INJURY

Reporting Absence Prior to Roll Call
Officers shall report for duty at the time and place specified and in the attire and with the equipment specified by Departmental orders or a supervisory officer, unless absence is authorized by their supervisory officer.

Reporting for Duty
Unless otherwise excused, officers shall report for duty when scheduled or, when off duty, immediately upon receipt of order to do so.

Constructive Resignation
Failure to report for duty within five (5) days following the expiration of a leave of absence without just cause or being absent without leave for a period of five (5) days without just cause shall be construed as a constructive resignation as provided in the Civil Service Rules.

Location When Ill
Officers who are absent from duty and using sick leave time shall be required to keep their commanders informed of their locations and be available by phone or in person at those locations.

Reporting During Illness or Injury
Officers shall not fail, while off duty due to illness or injury except while hospitalized, to contact their unit commander at three-day intervals to report condition and progress of recovery, unless the reporting is excused by their commanding officer.

Feigning Illness or Injury
Officers shall not feign illness or injury in an effort to avoid duty.

Physical or Mental Examination
Officers who have been ordered to submit to physical or mental examination shall do so in accordance with the directions of the Chief of Police.

Release of Medical Information
All officers shall authorize their attending physician to release to their unit commander and the Chief of Police information regarding their condition and ability to perform certain duties.

P.O.S.T. Certification of Officers

P.O.S.T. Certification Required
All officers of the Denver Police Department shall hold current certification by the Colorado Peace Officers Standards and Training Board. See C.R.S. §24-31-303 and §24-31-305. No officer shall commit an act that is defined by the P.O.S.T. Board as an offense that would disqualify the officer from maintaining his/her P.O.S.T. certification.
PART B
Police Department Training Bulletins
HANDCUFFING JUVENILES, THE ELDERLY, OR THOSE WITH AN INTELLECTUAL/DEVELOPMENTAL DISABILITY

PURPOSE:
The purpose of this Training Bulletin is to provide Denver Police Officers with a greater understanding of the new policy – OMS 104.01 (20) – regarding handcuffing juveniles, elderly people, and those with an intellectual/developmental disability. The Department routinely evaluates our policies against similar cities across the country, the current research, and alignment with our mission of operating a police agency with a focus on preventing crime in a respectful manner demonstrating that everyone matters. This policy change allows us to improve interactions with the above-mentioned populations, while being mindful of officer and public safety.

IMPORTANT POINTS TO CONSIDER WHEN DEALING WITH THESE SPECIAL POPULATION INDIVIDUALS:

- Officer Safety – The new policy outlines that while officers will give due regard to the age, specifically a person who is reasonably believed to be 12 years of age or younger, as well as physical condition of the detained or arrested person, the level of crime, belief that the person may resist, escape, or be a risk to themselves or others should be considered. The necessity of a custodial search is stressed, and should not change, even if the decision not to handcuff is made.

- Discretion – Ultimately, the decision to handcuff remains with the arresting officer. The totality of the circumstances should be taken into consideration and assessment of the situation should be ongoing. As new information is learned, such as the true age or disability of the individual, the decision to handcuff should be reevaluated.

- Articulation – If the officer(s) do make the decision to handcuff one of these individuals, the arresting officer will articulate the reason(s), consistent with the policy.

- Documentation – If the contact results in an arrest on new charges of the individual, the arresting officer will document their reasoning for the decision to handcuff in the officer’s statement section of the GO report. If the individual was detained, handcuffed, but not charged, or it was a warrant arrest where no GO was created, the arresting officer will document the reasoning for handcuffing in a street check.

- Age consideration – This will be based on the officer(s) observation or knowledge at the time of contact.

- Status offenses – Juveniles who are arrested for a status offense only are not to be handcuffed unless one of the safety concerns in the policy can be articulated. Status offenses are non-criminal and are enforced, in part, to identify youth who may benefit from support services or additional outreach. By not handcuffing these individuals, we feel it makes our goal of providing support easier.
FIRST AMENDMENT AND FREE SPEECH

There has been a recent increase of individuals/groups in the Denver Metro area conducting “First Amendment Audits.” “First Amendment Audits” are typically conducted by individuals who film encounters with law enforcement officers or other public officials in publicly accessible areas, including city buildings, courthouses, and public areas where government employees (not always law enforcement) are conducting business. If the individual believes his or her First Amendment or other protected rights have been violated, the encounter may be posted online and may also serve as the basis for the filing a lawsuit asserting that their constitutional rights were violated during the encounter. These individuals may refuse to identify themselves when asked. “First Amendment auditors” have already performed several “audits” in a variety of locations throughout the Denver Metro area, including the 16th Street Mall and inside or outside of government buildings. The following guide was created to advise officers on how to respond when contacting an individual or individuals who are conducting a “First Amendment audit.”

During the course of your duties as police officers, you may encounter individuals who are attempting to film you or other public employees, or who may insult you or the public employee in an attempt to provoke a response. When that happens, remember that criticism, insults, profanity, obscene gestures, and disparaging comments by themselves are protected by the First Amendment.

The First Amendment protects a significant amount of verbal criticism directed at police officers or other public employees. Remember that all individuals have the right to record police officers and public employees in public places. Additionally, unless recording is specifically prohibited, individuals may not be prevented from recording in public places or within government buildings. However, the individual does not have the right to interfere with an officer's ability to perform his or her job and reasonable parameters may be placed to ensure that the citizen’s recording is not interfering with your ability to perform your job. Also, individuals do not have the right to create physical or verbal impediments to courthouse business or efficient operations of a public office.

THE INDIVIDUALS MAY NOT

- Touch an officer
- Gain access to a restricted area or building
- Disobey a lawful order to maintain a reasonable distance so that you can do your job
- Directly threaten an officer
- If the individuals are in a public building, they cannot interfere with the staff’s ability to perform their jobs and they cannot block entrances and exits

NOTE: CONTENT OF SPEECH BY ITSELF MAY NOT BE THE BASIS OF A CITATION OR ARREST UNLESS IT IS A PHYSICAL THREAT
If one or more of the above occur or if the individual is violating the law, the officer may charge the individual. Some of the charges may include:

<table>
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<tr>
<th>CONDUCT</th>
<th>CITY CODE (D.R.M.C. section)</th>
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<tbody>
<tr>
<td>Entering a restricted area</td>
<td>Trespass (38-115) or (CRS 18-4-504) Interference with Police Authority (38-31)</td>
</tr>
<tr>
<td>Refusing to leave when asked or ordered to by a person with authority</td>
<td>Trespass (38-115)</td>
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<tr>
<td>over the private property.</td>
<td>Interference with Police Authority (38-31)</td>
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<tr>
<td>Approaching an officer conducting business and does not stop approach</td>
<td>Disturbance by use of Telephone (38-91)</td>
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<tr>
<td>and/or back-up when asked or so ordered to and that failure actually</td>
<td>Interference with Police Authority (38-31)</td>
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<tr>
<td>interferes with the officer completing his/her duty safely.</td>
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<td>Repeatedly calling an officer or police employee when not reporting</td>
<td>Unlawful conduct on public property (CRS 18-9-117)</td>
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<td>an emergency and told to stop calling.</td>
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<tr>
<td>Blocking access or movement for the officer.</td>
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Threatening violence or physical force.                                  | Threats (38-92(a))                                                                         |

Hindering or impeding public employees from performing their jobs.       | Obstructing government operations (CRS 18-8-102)                                         |

Refusing to obey the rules established for a government building, such   | Public buildings—trespass, interference (CRS 18-9-110)                                    |
| as a prohibition on recording.                                          |                                               |

WHAT IS PROTECTED SPEECH UNDER THE U.S. CONSTITUTION?

<table>
<thead>
<tr>
<th>PROTECTED SPEECH</th>
<th>NOT PROTECTED SPEECH</th>
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<tbody>
<tr>
<td>➢ Criticisms of the officer, the Department, the city, or the employee</td>
<td>➢ Threats (“I’ll kill you if you touch me.”) AND the officer reasonably believes they will be harmed.</td>
</tr>
<tr>
<td>➢ Curse words (not included with a true threat)</td>
<td>➢ Challenges to fight AND the officer reasonably believes the individual intends to fight.</td>
</tr>
<tr>
<td>➢ Name calling</td>
<td></td>
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<tr>
<td>➢ Using the middle finger</td>
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<tr>
<td>➢ Yelling/raised voice</td>
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<tr>
<td>➢ Offensive language</td>
<td></td>
</tr>
<tr>
<td>➢ Insults to others not involved in the situation</td>
<td></td>
</tr>
</tbody>
</table>

TIPS AND PRACTICAL GUIDANCE

When you find yourself in this type of situation:
➢ Notify a supervisor when reasonably possible.
➢ Turn on your body-worn camera.
➢ Give the individual an opportunity to comply.
➢ **Do not engage. Do not take the bait.** That is what they want you to do.
➢ If the individual is interfering with your ability to do your job, clearly instruct them to back away a reasonable distance and tell them that they are interfering with your job.
➢ Be aware of any sensitive information on work spaces, including computers and MDTs.
DOCUMENTATION

When writing your report of the incident:

- Be very specific and detailed when describing
  - the conduct
  - the instructions you gave
  - how many times you gave the instruction
  - how the person failed to obey the instruction
  - space descriptions
  - other individuals in the area, etc.

- Focus on the physical conduct. The words used can be referenced in your report for necessary added context. However, they should not be used alone as the reason for the charge unless the words are a threat of violence.

EXAMPLES OF CLEAR INSTRUCTIONS

➢ “Sir. Your yelling is so close and so loud that I cannot continue to talk to this citizen and respond to this call. Please stop or move over to that lamp post so I can continue my work.”

➢ “You may continue to record/videotape, but I need you to move away from this area so I can continue to address this situation without interference. If you stand near that stop sign or in the area of the stop sign, that would be fine.”

(The exact distance will depend on the specific situation and location. Each officer should determine the minimum amount of space they need to feel safe and complete their duties.)

➢ “Please stop following right behind me. I need you to back up at least 10 feet to give me personal space. You are making me feel threatened and interfering with my duties.”

➢ “You are welcome to continue to protest, but you need to move to the other side of the lobby [street/parking lot/room] so people can continue to do business with [entity] as you are blocking the entrance.”

➢ “I have given you a lawful order. If you keep interfering with my [investigation/work], I’m going to arrest you for [charge].”

This training bulletin is not meant to be all inclusive or cover every situation that may arise when a person is exercising his or her rights to free speech and expression. Officers should use their own discretion as these situations arise.

If you have questions or need advice regarding this material, please contact one of the following individuals before taking action

    Marley Bordovsky: 970-441-0555
    Allison Rocker:  303-906-9558
    Emela Jankovic:  510-207-2227

References:
DPD Training Bulletin - First Amendment Considerations
DPD OMS 107.04 - Search and Seizure of Electronic Recording Devices
D.R.M.C. 38-86.2 – UNAUTHORIZED CAMPING ON PUBLIC OR PRIVATE PROPERTY PROHIBITED

Important: This ordinance does not make the status of homelessness illegal; rather, it prohibits the specific conduct of unauthorized camping. A person’s status of being homeless is irrelevant to the determination of whether the ordinance is violated.

When faced with a suspected unauthorized camping situation, it is important for officers to recognize the initial focus must be on ascertaining whether the person is camping as defined in the ordinance, and directing the person toward services, if appropriate. Citing or arresting a person for violating this ordinance should be the resolution of last resort. In all situations, barring “life threatening” circumstances, a citation or arrest should not occur if an individual is in need of a homeless shelter or bed, expresses a willingness to accept homeless shelter assistance, and the officer is notified that shelter space is not available or the officer is unable to ascertain the availability of a shelter.

When enforcing this ordinance, Denver police officers will not seize tents, tarps, blankets, sleeping bags, or other camping related items. Evidence of unauthorized camping will instead be documented through video and photographic means. If the enforcement of this ordinance results in a custodial arrest, camping related items will be thoroughly documented through videos and photographs and then treated as personal property.

The following reflects newly enacted revisions to the Denver Revised Municipal Code, regarding the contact, evaluation, referral, citation/arrest and prosecution of parties engaged in camping on public or private property.

Sec. 38-86.2 Unauthorized Camping on Public or Private Property Prohibited.

(a) It shall be unlawful for any person to camp upon any private property without the express written consent of the property owner or the owner’s agent, and only in such locations where camping may be conducted in accordance with any other applicable city law.

(b) It shall be unlawful for any person to camp upon any public property except in any location where camping has been expressly allowed by the officer or agency having the control, management and supervision of the public property in question.

(c) No law enforcement officer shall issue a citation, make an arrest or otherwise enforce this section against any person unless:

(1) The officer orally requests or orders the person to refrain from the alleged violation of this section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this section; and

(2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including but not limited to mental health treatment, drug or alcohol rehabilitation, or homeless services assistance. If the officer determines that the person may be in need of medical or human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a designated human service outreach worker, who in turn shall assess the needs of the person and, if warranted, direct the person to an appropriate provider of medical or human services assistance in lieu of the person being
cited or arrested for a violation of this section. If the officer is unable to obtain the assistance of a human services outreach worker, if the human services outreach worker determines that the person is not in need of medical or human services assistance, or if the person refuses to cooperate with the direction of the human services outreach worker, the officer may proceed to cite or arrest the person for a violation of this section so long as the warnings required by paragraph (1) of this subsection have been previously given.

(d) For purposes of this section:

(1) “Camp” means to reside or dwell temporarily in a place, with shelter.
   (a) The term “shelter” includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.
   (b) The term “reside or dwell” includes, without limitation, such activities as eating, sleeping, or the storage of personal possessions.

(2) “Designated human service outreach worker” shall mean any person designated in writing by the manager of the Denver Department of Human Services to assist law enforcement officers as provided in subsection (c), regardless of whether the person is an employee of the department of human services.

(3) “Public property” means, by way of illustration, any street, alley, sidewalk, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreation facility; or any other grounds, buildings, or other facilities owned or leased by the City or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

Enforcement guidelines from the City Attorney’s Office

I. Prohibited conduct:

1. CAMPING on private property without the written consent of the property owner, or public property. CAMPING means to reside or dwell with shelter.

2. When faced with a suspected unauthorized camping situation, the officer must evaluate the totality of the circumstances to determine whether the person is camping as defined in the ordinance. To “camp” on public property a person must do more than simply fall asleep on the property. There must be some indication of actual camping which includes both (1) residing or dwelling on the property, and (2) some kind of shelter. An individual may not be cited if only one of these circumstances is present. The following must exist before an arrest or citation under this section is appropriate:
   a. RESIDE OR DWELL: The person’s behavior must indicate more permanence than merely sleeping on a park bench or sunbathing in a park. The officer must look at the totality of the circumstances for other indicators which could include, but are not limited to, the following:
      i. The person has built a campfire or is cooking food on a camp stove next to a laid-out sleeping bag;
      ii. The person is sleeping inside a tent or sleeping bag or inside some form of temporary shelter;
      iii. The person is sitting next to a tent or on a sleeping bag or a bedroll in which he has also stored personal possessions;
      iv. The person is observed sleeping on top of or covered by materials (e.g., blanket, bedroll, cardboard, newspapers); however, the officer will have to consider other factors if the situation is ambiguous. For example, this ordinance does not prohibit an individual from merely falling asleep in a park nor does it prohibit an individual from simply sitting or lying down on a public sidewalk. However, please note that this conduct may be prohibited by other ordinances such as Obstruction of Public Passageways §38-86 or Park Curfew §39-3, Sitting or Lying Down in the Public Right-of-Way §38-86.1.
      v. In evaluating the totality of the circumstances, the officer may consider other factors in
the person’s immediate environment, such as the length of time the person has been there, the time of day, or other possessions surrounding the person (e.g., food, cooking utensils, change(s) of clothes, furniture, backpack or shopping cart full of personal items). These circumstances taken as a whole may support the conclusion that the individual is temporarily residing or dwelling in at that location.

b. **SHELTER:** Under the definition of camping, the individual must be residing or dwelling with shelter or protection from the elements, other than their clothing, such as a tent, tarp, sleeping bag, lean-to, bedroll, blankets, cardboard box or planking.
   i. If the person is cooking food on a cook-stove, but does not have any item of shelter, then that person may not be cited under this ordinance. Other ordinances may prohibit the conduct depending upon the location.

II. **Enforcement requirement (see attached flow chart):**

1. **Officer receives illegal camping complaint or observes violation**
   a. Enforce any other violations observed on site
      i. Determine need for warning/citation/jail
   b. Evaluate for Detox/hospital/MHH
      i. Transport/call for van or ambulance if necessary
   c. Wants/warrants check - officer discretion
      i. Code 5 parties – jail or order in
   d. Determine if there is a camping violation
      i. If no, no further action required
      ii. If yes, enforce camping ordinance
         1. Determine via Street Check if the same party has received any verbal or written warnings about camping from the Denver Police Department within the past 7 days.
         2. Assuming no warnings within the past 7 days, inform the camper of ordinance and observed violation
         3. Inform camper of services available – shelters, etc.
         4. Ask them to comply with ordinance
            a. If they comply, call complete
            b. If they refuse, go to step 2. ("Officer issues written warning of violation") below
         5. Complete Street Check, marking “illegal camping” under reason type
         6. If the party has previously received a verbal warning within the past 7 days, proceed to step 2. ("Officer issues written warning of violation") below.
         7. If the party has received a previous written warning within the past 7 days, proceed to step 3. ("Officer attempts to ascertain") below.

2. **Officer issues written warning of violation**
   a. Explain violation and warning citation to offender
   b. Serve warning on violator
   c. Complete a street check marking “illegal camping” under reason type
   d. If camper complies, call complete
   e. If camper refuses, go to step 3. ("Officer attempts to ascertain") below
   f. Send copy of warning to records for scanning
   g. Send copy of warning to District 6 Homeless Outreach Team

3. **Officer attempts to ascertain if camper needs human services**
   a. If yes, make reasonable efforts to contact street outreach to respond to the scene
      i. If camper is willing to comply with outreach, call complete
         1. Complete a street check marking “illegal camping” under reason type
ii. If camper is not willing to comply with outreach, contact supervisor for guidance and assistance
   1. Complete a street check marking “illegal camping” under reason type
   2. Supervisor approves whether to cite or arrest violator
   3. List supervisor’s name and Badge # on face of the US&C
   4. List outreach worker as witness on the US&C
   5. PC statement gives brief explanation of referral to outreach and camper’s refusal to cooperate with outreach
   6. Thoroughly document evidence of camping through videos or photographs of all tents, tarps, blankets, sleeping bags, and other camping related items. These items are not to be collected as evidence. If a custodial arrest occurs, these items will be handled as personal property.

b. If no, or if officer is unable to contact outreach, contact police supervisor for guidance and assistance
   i. Supervisor approves whether to cite or arrest
   1. Complete street check marking “illegal camping” under reason type
   2. List supervisor’s name and Badge # on face of the US&C
   3. PC statement gives a brief explanation of efforts to contact street outreach or why outreach was not called.
   4. Thoroughly document evidence of camping through videos or photographs of all tents, tarps, blankets, sleeping bags and other camping related items. These items are not to be collected as evidence. If a custodial arrest occurs, these items will be handled as personal property.

c. On every contact, the officer must make reasonable efforts to secure indoor shelter for the camper.
   i. Ascertain if shelter space is available and if the camper is eligible for the available shelter.
   1. Offer to transport the party to the available shelter.
   2. If party refuses shelter and officer has ascertained that shelter is available for this party, contact supervisor for guidance and assistance.
      a. Supervisor approves whether to cite or arrest
   3. If shelter is not available for the party – and not just because the party refuses to go to shelter - contact supervisor for guidance and assistance.
      a. Supervisor approves whether to use a Department Card for shelter/lodging (see section regarding Card usage)
      b. If approving hotel/motel room, supervisor must complete the hotel voucher street check (below) documenting the need and transaction
         • The name of the hotel/motel lodging that was secured for the party(s)
         • If the party has excess property which they cannot take with them, follow the storage protocol for arrests of individuals with excess property, where the property was taken for storage
         • If the party had pets, where the pets were taken for safekeeping
         • Officer must email the individual’s first name, hotel where they were placed, room number, and if the officer believes the individual is under 25 years of age to Jerred Powell, HOST Administrator (Jerred.Powell@denvergov.org)
Officers will need to add a Template when completing a Street Check:

Select template type “HV” and choose “Hotel Voucher” from the list of available templates:
III. Documentation needed:

1. Specific explanation of the verbal and written notifications given and the person’s response to the officer’s requests/commands.
2. If you are issuing a citation or making an arrest and are relying on any previous oral warnings within the past 7 days as part of your decision, you must include the date and time of the prior warning, and the name of the officer who gave the previous warning. If you are relying on any previous written warnings within the past 7 days, you must include the date and time of the prior warning, the name of the officer that gave the previous written warning, and submit a copy of the prior written warning with the completed US&C.
3. Steps taken by the officer to assess the person’s needs and steps taken to contact or efforts to contact a human services outreach worker.
4. Determinations made by the outreach worker, any referrals made, and all attempts to secure appropriate assistance for the person, and the person’s response to the outreach worker’s attempts at assistance.
5. Officer’s contact with supervisor and the supervisor’s steps to evaluate the situation and to involve an outreach worker, along with the person’s response to the supervisor’s requests/commands.

Other law violations: All other laws and city ordinances still apply throughout the City and County of Denver, and may be relevant to any particular situation. For example, a tent or structure in the middle of a sidewalk could still be cited under §38-86 – Obstruction of Streets or Other Public Passageways. If the behavior occurs in the Downtown Denver Business Improvement District between the hours of 7:00 a.m. and 9:00 p.m., §38-86.1 – Sitting or Lying Down in the Public Right-of-Way may be applicable. Under certain circumstances, the person may qualify for citation under §38-31 – Interference with Police Authority, or C.R.S. §18-8-102, Obstructing Government Operations, C.R.S. §18-8-104, Obstructing a Peace Officer, Firefighter, Emergency Services Provider, Rescue Specialist, or Volunteer. Situations that arise in a city park between the hours of 11:00 p.m. and 5:00 a.m. may qualify for citation under §39-3, Park Curfew. This is not an exclusive list and there may be other applicable ordinances or statutes.
Illegal Camping Decision Making Flow Chart

1. Officer receives illegal camping complaint or observes possible law violation

1a. Enforce any OTHER law violations observed on site: Is there a need for warning/citation/arrest?
   - Yes: Take enforcement action Warning/citation/arrest
   - No: May be done simultaneously

1b. Evaluate for Detox/Hospital/MHH
   - Does the party need services?
     - Yes: Transport or call for van/ambulance as needed
     - No: Proceed to Step 2

1c. Wants/Warrant Check - Officer Discretion
   - Are there outstanding warrants?
     - Yes: Take enforcement action Order-In/Arrest
     - No: No further action required

1d. Determine if there is a camping violation
   - Yes: Camper Complies
     - No further action required
   - No: Camper Refuses to Comply
     - Go to Step 2

1d.ii. Continued
1) Determine if party has received prior oral or written warnings
2) Assuming no warnings in past 7 days, inform camper of ordinance and observed violation
3) Inform camper of services available
4) Ask camper to comply with ordinance
5) Complete Street Check marking illegal camping under reason type
UNAUTHORIZED CAMPING PROHIBITED

Date of issue: May 19, 2012 (revised February 17, 2016; February 21, 2018; January 31, 2020)

Source: City Attorney’s Office

Illegal Camping Decision Making Flow Chart
Step 2: Camper Refuses to Comply with Ordinance

2. Officer issues written warning of violation
   2a. Explain violation and warning to offender
   2b. Direct camper to sign violation warning form
      i. If camper refuses to sign warning form notate “Refused” on signature line
   2f. g. Send copy of warning to records and D6 HOT Team

3. Officer attempts to ascertain if camper needs medical or human services assistance.
   Does the party need services?

   No or unable to contact services

   3b. Contact police supervisor for guidance
       Sgt evaluates for service need or enforcement action

   Enforcement Action

   3b1. Sgt determines whether to cite or arrest violator
   3b2. List Sgt’s name and Badge # on face of US&C
   3b3. PC statement gives brief explanation of efforts to contact outreach or why outreach was not called in probable cause statement
   3b4. Document evidence of camping through videos or photographs of all tents, tarps, sleeping bags and other camping related items. Do not collect items as evidence.

   Yes

   3a. Make a reasonable effort to contact Service Providers. Are there services available?

   No

   3a. Cont.
   Is the situation life threatening to the camper?

   No

   No further action required

   Yes

   Services Needed

   Yes

   3a. Cont.
   Is camper willing to comply with services?

   No

   No further action required

   Yes

   Yes

   No

   No

   No further action required

   3a1. Sgt determines whether to cite or arrest violator
   3a2. List Sgt’s name and Badge # on face of US&C
   3a3. List outreach worker as witness on US&C
   3a4. PC statement gives brief explanation of referral to outreach and camper’s refusal to cooperate with outreach
   3a5. Document evidence of camping through videos or photographs of all tents, tarps, sleeping bags and other camping related items. Do not collect items as evidence.

   3b. Contact police supervisor for guidance
   Sgt evaluates for service need or enforcement action

   Enforcement Action
DEPARTMENT CARD USAGE

The City and County of Denver has issued department credit cards to the Denver Police Department Finance Director who will act as the Department Card Coordinator (DCC). These credit cards are for the exclusive use of securing shelter/lodging for persons contacted for unauthorized camping enforcement under DRMC 38-86-2. All expenses charged to the department card must be pre-approved by a DPD supervisor and will be limited to the lodging costs associated with this ordinance and in accordance with the provisions below. The Denver Police Department employee with delegated use authority is required to use the department card only for the authorized purpose stated above and must adhere to any applicable Denver Police Department policy or procedure; department personnel must ensure security of the card at all times and immediately report the loss or theft of the card.

Distribution

1. The DCC will distribute one department card to each of the six police districts.
2. Any officer or supervisor in possession of this department card is required to complete the “Department Card for Shelter Provision for Unauthorized Camping” User Agreement prior to usage.
3. The DCC and any delegated user is required to adhere to these policies and procedures and risk revocation of use of the card and/or disciplinary action for violations.

Control

1. Each police district will have responsibility for securing the assigned department card in the badge access-controlled armory. Access to retrieve the department card will be limited to authorized police department personnel only.
2. All authorized department card check out/ins will be documented on the Check In/Out Log Sheet. Any officer removing the department card from the armory will fill out the log sheet legibly and in its entirety.
3. District commanders (or designee) will ensure that the log sheet is properly maintained with the department card and that the department card remains in the controlled armory when not in use.
4. The DCC will perform periodic review of the User Agreements and Department Card Check In/Out Log to ensure compliance with policies and procedures.

Usage

1. The department card shelter/lodging provision is limited to one (1) night stay per contact.
2. Department card usage is restricted to a maximum of $2,000 per single and daily usage limits.
3. Upon approval for use of the department card to secure shelter/lodging, the supervisor must complete the hotel voucher street check documenting the need and hotel information. The required information includes the contact name, hotel/motel name and address.
4. The officer will transport the person(s) to the hotel/motel and will use the department card to make payment. The officer must obtain a copy of the paid hotel folio/receipt at this time. If the hotel/motel is unable to provide the paid receipt at the time of check-in, the officer must obtain a copy of the paid hotel folio/receipt upon check-out.
5. The officer must send a copy of the paid hotel folio/receipt to the Denver Police Department Financial Services Section email (dpdfinance@denvergov.org) within one (1) day of the provision of shelter/lodging for the authorized person(s). Failure to do so, will result in the district commander being immediately notified.
6. The Denver Police Department IMU will send a copy of the street check within one (1) day to Denver Police Department Financial Services Section email (dpdfinance@denvergov.org) providing documentation of the approved hotel/motel lodging and information on the party(s) provided these services.
7. The DCC will compile the street check and paid hotel folio/receipt and verify the transaction in Workday in accordance with the City’s credit card policies and procedures.

Loss or Theft

Officers will immediately report via telephone or email the loss or theft of the department card to their supervisor, their chain of command, the DCC, and Citibank customer service. A police report must be filed within 24 hours of loss or theft of the card. The Citibank customer service number is 1-800-950-5114.
Extreme Risk Protection Orders (ERPO)

On January 1, 2020, Colorado Revised Statutes § 13-14.5.101, Extreme Risk Protection Orders (ERPO), goes into effect. An ERPO requires the respondent, who poses a significant risk of causing personal injury to self or others by possession or custody of a firearm, to surrender all of their firearms and any concealed carry permits they may possess. The Denver Police Department (DPD) believes that T/ERPOS can significantly reduce the risk of suicide, and harm to victims, the community, and law enforcement, and it is committed to enforcing extreme risk protection orders.

Members of the public may petition a Colorado district or county court directly or DPD can file a petition in Denver Probate Court. If a member of the public petitions for a T/ERPO in the City and County of Denver, Denver Probate Court staff will notify a Domestic Violence Unit sergeant. Additionally, all T/ERPO cases will be handled by Domestic Violence Prevention detectives.

Definitions:
Extreme Risk Protection Order: Either a temporary order or a continuing order granted by a court.
Petitioner: A person who petitions a court for an Extreme Risk Protection Order.
Respondent: A person who is the subject of the Extreme Risk Protection Order.
Firearm: Any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable of discharging bullets, cartridges, or other explosive charges

When officers respond to calls for service where they believe T/ERPO may apply, they will conduct a preliminary investigation and gather all necessary facts. Necessary facts may include some or all of the following that may have been committed by the respondent:

- A recent act or credible threat of violence against self or others, whether or not such violence or credible threat of violence involves a firearm
- A pattern of acts or credible threats of violence within the past year, including but not limited to acts or credible threats of violence against self or others
- A violation of a civil protection order pursuant to Article 14 of Title 13 of the C.R.S.
- A previous or existing ERPO issued against the respondent and a violation of a previous or existing ERPO
- A conviction for a crime that included an underlying factual basis of domestic violence as defined in C.R.S. 18-6-800.3 (1)
- The respondent’s ownership, access to, or intent to possess a firearm
- A credible threat of or the unlawful or reckless use of a firearm
- The history of use, attempted use, or threatened use of unlawful physical force by the respondent against another person, or the respondent’s history of stalking another person as described in C.R.S. 18-3-602
- Any prior arrest of the respondent for a crime listed in C.R.S. 24-4.1-302 (1) or C.R.S. 18-9-202
- Evidence of the abuse of controlled substances or alcohol by the respondent
- Whether the respondent is required to possess, carry, or use a firearm as a condition of current employment
- Evidence of recent acquisition of a firearm or ammunition by the respondent

Officers will notify their supervisor that they are investigating a potential T/ERPO incident and the officer’s supervisor will respond to the location to direct the investigation. While at the scene, officers will contact the Domestic Violence sergeant for guidance on how to proceed so that a petition for a T/ERPO can be initiated as soon as possible. When creating a General Occurrence (GO) Report regarding ERPOs, officers will click on the Study Flag drop down menu and select Extreme Risk Protection Order (ERPO). This will allow for the GO Report to be routed to the DVPP Unit.
Important items for officers to know:

- These cases are civil in nature and will be handled by the Denver Probate Court
- Unless and until an order is issued by the court, an individual is not required to turn over their firearms
- If a temporary ERPO is issued by the courts, Domestic Violence Prevention detectives will prepare a search warrant affidavit (DPD 370) and the search warrant (DPD 371)
- While executing the search warrant for a TERPO with the assistance of the Metro/SWAT Unit, if necessary, DVPP detectives will also serve the respondent with a copy of the notice of hearing and the petition for an ERPO
- Within 14 days after issuance of the temporary ERPO, a court must hold a hearing on whether to extend the temporary ERPO
- If the judge finds clear and convincing evidence that the respondent poses a significant risk to himself or others by having in his custody or control a firearm or by purchasing, possessing, or receiving a firearm, the judge can order a 364-day ERPO
- Respondents may petition the court to remove the ERPO at any time if he/she can show by clear and convincing evidence that they no longer pose a significant risk
- ERPO does not allow for the seizure of ammunition and DPD’s Evidence and Property Section will not accept ammunition

Officers are encouraged to call a Domestic Violence Unit sergeant with any questions related to T/ERPOs at 720-913-6071, or through Denver 911 after hours.
Date of issue: February 03, 2020
Source: Lieutenant Andrew Howard Vice and Narcotics Section and Thain Bell, Chief Deputy District Attorney

**CHANGES TO UNIFORM CONTROLLED SUBSTANCES ACT OF 2013**

During the 2019 Legislative Session, Colorado Revised Statutes were amended to change the way smaller amounts of certain substances are charged and sentenced. The Denver Police Department and the District Attorney’s Office are taking this opportunity to increase access to resources for these individuals as a way to better address the underlying causes related to their substance abuse, with the goal of decreasing repeat offenders who come in contact with the criminal justice system. This new legislation goes into effect on March 1, 2020.

There will be two significant changes in laws regarding possession of a controlled substance. The most significant change affecting the way DPD officers process arrestees is that the **Possession of 4 grams or less of a schedule I or schedule II controlled substance (to include heroin, fentanyl, methamphetamine, cocaine)**, which was previously a Drug Felony 4 (DF4) **becomes a Drug Misdemeanor 1 (DM1)** with a new sentencing structure for DM1s.

The second significant change is the new statute is that simple possession of marijuana (MJ) or MJ concentrate is no longer a Felony, without evidence of the intent to distribute. **Officers may still charge the DF4 for possession with intent for more than 4 ounces of MJ or 2 ounces of concentrate** and the DM1 for amounts below those levels.

1. **Possession of 4 grams or less** of a schedule I or schedule II controlled substance (to include heroin, fentanyl, methamphetamine, cocaine), which was previously a Drug Felony 4 (DF4) **becomes a Drug Misdemeanor 1 (DM1)** with a new sentencing structure for DM1s.
2. Simple Possession of marijuana (MJ) or MJ concentrate is no longer a Felony.
3. **Officers may still charge the DF4 for possession with intent for more than 4 ounces of MJ or 2 ounces of concentrate** and the DM1 for amounts below those levels.

Suspects with under 4 grams of a schedule I or schedule II are to be arrested and placed into the DDC and processed as a “direct file” rather than a felony investigation hold. Officers will utilize the Versadex Mobile Report Entry (MRE) application to:

- Create a new “Arrest”
- Select “Arrest State Statute (JAIL)”
- Add the most appropriate charges

If the defendant also has warrants, the “Arrest State & Warrant (JAIL),” option should be selected when creating an Arrest Booking (AB). If other felony or investigative hold charges apply, “Investigative Hold” may still be utilized. All drug evidence, when charging the suspect with a DM1, shall be placed into the Evidence and Property Section and a presumptive analysis will not be requested. If a presumptive test is needed, the District Attorney’s Office will complete the request at a later time.

Exceptions:

- Any quantity of flunitrazepam; ketamine or gamma hydroxybutyrate or any arrest for possession with intent to distribute is still a felony and these arrestees should be processed as a normal drug felony arrest
- If the suspect has suspected narcotics in balloons and is in possession of more than one, it is considered packaged for distribution and they should be arrested for a felony

The below photograph provides a general idea of what 4 grams of a controlled substance looks like next to a quarter. If the officer has questions at the scene, they are advised to contact a supervisor or district narcotics detective.
Examples for Clarification:

**Example 1:** Suspect is in possession of less than 4 grams of heroin, fentanyl, methamphetamine, or cocaine, with no other criminal charges and no evidence of distribution. Book them into the DDC and charge them with 18-18-403.5 which is a class 1 drug misdemeanor. Evidence will be placed into DPD Evidence and Property Section and a presumptive screening test will not be requested.

**Example 2:** Suspect is in possession of more than 4 grams of heroin, fentanyl, methamphetamine, or cocaine, with no evidence of intent to distribute. Book them into the DDC and charge them with 18-18-403.5(2)(a) Possession of a controlled substance which is a class 4 Drug Felony. Evidence will be placed into DPD Evidence and Property Section and a presumptive screening test will be requested.

**Example 3:** Suspect is in possession of any amount of a schedule I or schedule II narcotic such as heroin, fentanyl, methamphetamine, or cocaine, with indications of distribution such as scales, baggies, or more than one balloon containing suspected narcotics. Book them into the DDC and charge them with 18-18-405 Possession with intent to distribute. Evidence will be placed into DPD Evidence and Property Section and a presumptive screening test will be requested.

**Example 4:** Suspect is in possession of 3 ounces of Marijuana and 1 ounce of Marijuana concentrate with no other criminal charges and no evidence of distribution will be placed into the DDC and charged with 18-18-406(4)(C) a class 2 drug Misdemeanor. Evidence will be placed into DPD Evidence and Property Section and a presumptive screening test will not be requested.

**Example 5:** Suspect is arrested for an aggravated assault and is in possession of less than 4 grams of heroin, fentanyl, methamphetamine, or cocaine, will be jailed for the aggravated assault and additionally charged with 18-18-403.5(2)(C) a class 1 drug misdemeanor.

In summary, persons in possession of a schedule I or schedule II controlled substance are still going to jail. We will not be issuing a summons for these charges. The only differences in the way these cases will be handled pursuant to new statutes are the level of charge, the omission of a presumptive screening request, and officers will be direct filing these cases rather than a felony investigation hold.
PART C
Collective Bargaining Agreement

Between City and County of Denver and Denver Police Protective Association
2020-2021
COLLECTIVE BARGAINING AGREEMENT

BETWEEN

CITY AND COUNTY OF DENVER

AND

DENVER POLICE PROTECTIVE ASSOCIATION

2021 – 2022
TABLE OF CONTENTS

PREAMBLE ................................................................................................................................... 1

ARTICLE 1 RECOGNITION.............................................................................................................. 2

ARTICLE 2 DEFINITIONS ............................................................................................................. 3

ARTICLE 3 [RESERVED]

ARTICLE 4 ASSOCIATION RIGHTS ............................................................................................. 6

ARTICLE 5 CHECK OFF ............................................................................................................... 8

ARTICLE 6 [RESERVED]

ARTICLE 7 LABOR MANAGEMENT COMMITTEE ........................................................................... 10

ARTICLE 8 SENIORITY ............................................................................................................... 11

ARTICLE 9 VACATIONS ............................................................................................................. 12

ARTICLE 10 SICK LEAVE .......................................................................................................... 15

ARTICLE 11 HOLIDAYS ............................................................................................................ 16

ARTICLE 12 BEREAVEMENT LEAVE ........................................................................................... 18

ARTICLE 13 MILITARY SERVICE LEAVE ................................................................................... 19

ARTICLE 14 LEAVE OF ABSENCE ............................................................................................... 20

ARTICLE 15 NUMBER OF HOURS IN WORK PERIOD/DAYS OFF .................................................. 21

ARTICLE 16 OVERTIME .............................................................................................................. 22

ARTICLE 17 CALL BACK ............................................................................................................. 24

ARTICLE 18 COURT TIME/JURY DUTY .......................................................................................... 25

ARTICLE 19 CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF ........................................ 26

ARTICLE 20 EQUIPMENT ALLOWANCE ....................................................................................... 27

ARTICLE 21 WORK ASSIGNMENT IN HIGHER RANK .................................................................. 28
### TABLE OF CONTENTS (continued)

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>INJURY IN LINE OF DUTY</td>
<td>29</td>
</tr>
<tr>
<td>23</td>
<td>FUNERAL EXPENSES</td>
<td>30</td>
</tr>
<tr>
<td>24</td>
<td>LIFE INSURANCE</td>
<td>31</td>
</tr>
<tr>
<td>25</td>
<td>HEALTH AND DENTAL INSURANCE</td>
<td>32</td>
</tr>
<tr>
<td>26</td>
<td>DEATH AND DISABILITY CONTRIBUTION</td>
<td>34</td>
</tr>
<tr>
<td>27</td>
<td>PAY RATES AND LONGEVITY</td>
<td>35</td>
</tr>
<tr>
<td>28</td>
<td>PAY PERIODS</td>
<td>38</td>
</tr>
<tr>
<td>29</td>
<td>RETIREE HEALTH</td>
<td>39</td>
</tr>
<tr>
<td>30</td>
<td>GRIEVANCE AND ARBITRATION PROCEDURE</td>
<td>40</td>
</tr>
<tr>
<td>31</td>
<td>SAVINGS CLAUSE</td>
<td>43</td>
</tr>
<tr>
<td>32</td>
<td>GENERAL AND DURATION</td>
<td>44</td>
</tr>
<tr>
<td>33</td>
<td>PAYMENT ON SEPARATION</td>
<td>45</td>
</tr>
</tbody>
</table>
PREAMBLE

This Contract entered into on this _______ day of ______________, 2020 between the CITY AND COUNTY OF DENVER (hereinafter referred to as “City”), and the DENVER POLICE PROTECTIVE ASSOCIATION (hereinafter referred to as “the Association”), has as its purpose the establishment of a productive relationship between the City and the Association, and to set compensation and certain other conditions of employment as specified in § 9.8.3(B) and (D) of the Charter.
Article 1

RECOGNITION

The City recognizes the Association as the sole and exclusive bargaining agent chosen by the members of the bargaining unit for purposes of negotiating subjects specified in § 9.8.3(B) and (D) of the Charter.
Article 2  DEFINITIONS

2.1  “City” means the City and County of Denver, Colorado.

2.2  “Association” means the Denver Police Protective Association.


2.4  “Officer” means a member of the bargaining unit as defined below.

2.5  “Chief” means the Chief of Police of the City and County of Denver.

2.6  “Commission” means the Civil Service Commission of the City and County of Denver.

2.7  “Department” means the Police Department of the City and County of Denver.

2.8  “Rank” is defined by § 9.6.6 of the Charter.

2.9  “Bargaining Unit” means all officers in positions of the classified service of the Police Department of the City, except the Chief of Police, Deputy Chiefs, Division Chiefs and Commanders.

2.10 “Charter” means the Charter of the City and County of Denver.

2.11 “Executive Board” or “Board of Directors” means those seven members of the Association who are elected to serve as officers, directors or members of the Executive Board of the Denver Police Protective Association by the Association’s membership.

2.12 “Base Pay” is the sum total of an officer’s annual salary plus longevity as calculated in accordance with this Agreement. “Base Rate of Pay” is base pay divided by two thousand eighty (2,080) hours.

2.13 “Regular Rate of Pay” is the sum total of an officer’s base pay, as defined in 2.12 above, plus any other regularly recurring remunerations the officer may be receiving under Article 27 of this Agreement, divided by two thousand eighty (2,080) hours.

2.14 “Hourly Rate” is the annual salary for a given rank, divided by two thousand eighty (2,080) hours.

2.15 “Accrued Time” is the sum total of an officer’s vacation time, saved vacation time, saved holiday time, compensatory time and/or birthday leave time under this Agreement.
Reference to the male gender throughout this Agreement shall include references to the female gender and vice versa.
Article 3  [RESERVED]
Article 4  ASSOCIATION RIGHTS

4.1 When the Chief or his designee has granted prior approval, Association officials or representatives shall be allowed time away from their assigned duty station in order to conduct Association business. Nothing herein shall limit the discretion of the Chief or his designee in approving such time off.

4.2 Bulletin Boards

The Association may maintain one (1) secure bulletin board at each of the decentralized stations and other police facilities and two (2) secure bulletin boards at the Police Administration Building. The Chief or his designee will approve the location of such bulletin boards. All notices posted on these bulletin boards must first be approved by the Chief or a Deputy Chief before being posted. These boards may be used for the following notices:

4.2.1 Recreation and Social Affairs of the Association.
4.2.2 Association Meetings.
4.2.3 Association Elections.
4.2.4 Reports of Association Committees.
4.2.5 Information to police officers concerning their employment.

There shall be no postings regarding any political candidate or candidates, nor postings concerning any issues being considered as part of a federal, state or municipal election.

The bulletin boards will be paid for by the Association who shall also be responsible for their maintenance and security.

Subject to prior approval by the Chief or a Deputy Chief, not more than twice a month, or as the Chief may additionally allow, notices concerning matters related to scheduled meetings or affairs of the association or incidental to this Agreement may be sent to Association members via the Department’s e-mail system in accordance with procedures determined by the Department. Notwithstanding the above, the Association’s newsletter will not be distributed to Association members via the Department’s email system.

4.3 Members of the Association’s Executive Board may, at the discretion of the Chief or his/her designee, be permitted to speak at shift roll call meetings about Association business, and shall be permitted to address each Department recruit class for a period not to exceed two (2) hours concerning Association membership benefits.
4.4 In response to requests for information, the parties will provide information deemed reasonably necessary for purposes of preparing for negotiations and/or impasse or grievance arbitrations. Responses to requests for information shall be made within a reasonable period of time. Denial of any request for information or the response to any request for information shall not be subject to the grievance or arbitration procedures, but may be admissible in any subsequent impasse or grievance arbitration.
Article 5  CHECK OFF

5.1 All officers covered under the terms of this Agreement may voluntarily join the Association as a member.

5.2 The City agrees to deduct the Association membership dues and assessments from the pay of such officers who individually request in writing that such deductions shall be made on a form agreeable to the City. The Association shall certify to the City the amount to be deducted. The written authorization for Association dues deduction and assessments shall remain in full force and effect until revoked in writing by the officer.

5.3 The payment to the Association will normally be made by the first day of the month after such deductions are made. If the City makes a good faith effort to meet this time frame, the Association agrees that it will not make any claim for damages, interest or other monetary compensation for the time the payment is not received. The Association agrees that it will indemnify and save the City harmless from all suits, actions, and claims against the City or persons acting on behalf of the City whether for damages, compensation or any combination thereof, arising out of the City's compliance with the terms of this Article. The Association shall reimburse the City for any and all reasonable costs and reasonable attorneys’ fees arising out of the defense of any such action against the City. The City agrees to cooperate with the Association and its counsel concerning any such litigation.

5.4 The department will provide to the Association strength reports, assignment rosters, drop reports, and separation information on a monthly basis.
Article 6 [RESERVED]
### Article 7: LABOR MANAGEMENT COMMITTEE

**7.1** The City and the Association agree to set up a Labor Management Committee which shall consist of three (3) representatives appointed by the Association President and three (3) representatives appointed by the Chief. If an issue is brought to either the City or the Association by another organization of police officers, a representative of that organization shall have the right to attend the meeting at which that issue is discussed.

**7.2** The committee shall discuss matters of concern to either the Association or the Department which are not addressed in this Agreement and/or the procedures to be followed with respect to matters which are addressed in the Agreement, including matters and equipment relating to officer safety. Statements by committee members made during Labor Management meetings shall not be used as evidence or admissions in any proceeding between the parties. Issues presented to the committee shall be resolved within fifteen (15) days of the meeting at which the issue was discussed, or as mutually agreed by the parties. If the issue is not resolved within fifteen (15) days or at the time mutually agreed by the parties, or if the Association is not satisfied with the resolution, the issue may be raised with the Chief in a meeting to be scheduled as soon as practicable. Following such meeting, the issue will be resolved by the Chief, or in the Chief’s absence, the Acting Chief, within twenty (20) days. Resolution may include notification of the need for further research and deliberation as necessary.

**7.3** Unless otherwise agreed upon, the Labor Management Committee shall meet on a monthly basis at a time and place mutually agreed upon between the Chief’s designee and the Association President. Either party may request additional meetings as needed, and such meetings will occur at a time and place mutually agreed upon by the Chief’s designee and the Association President.

**7.4** The Committee’s discussion of an issue does not affect whether that issue is or is not a mandatory or permissive subject of bargaining.

**7.5** The Chief shall arrange for Committee officers who are on duty to be released to attend such meetings. Committee officers who are off duty shall be compensated at their regular rate of pay for the amount of time actually spent at the meeting.
Article 8  SENIORITY

Seniornity shall be defined as the length of service in the Department within the officer’s civil service rank following the officer’s most recent appointment to that rank. When two (2) or more officers in the same rank were appointed on the same day, seniority shall be determined by their position on the certified promotional list for that rank. Time spent on authorized paid leave or military leaves of absence shall be included in length of service. If an officer who has been promoted reverts to a rank formerly held, the officer’s seniority shall be the sum of the seniority earned in the promotional rank and in the rank to which the officer reverts.
**Article 9**

**VACATIONS**

9.1 Officers shall accrue vacation as follows:

<table>
<thead>
<tr>
<th>Length of Employment</th>
<th>Annual Leave Hours Accrued Each Year of Regular Time Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st through 4th year</td>
<td>112 hours</td>
</tr>
<tr>
<td>5th through 9th year</td>
<td>136 hours</td>
</tr>
<tr>
<td>10th through 14th year</td>
<td>144 hours</td>
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<tr>
<td>15th through 19th year</td>
<td>168 hours</td>
</tr>
<tr>
<td>20th through 24th year</td>
<td>184 hours</td>
</tr>
<tr>
<td>25th year and thereafter</td>
<td>200 hours</td>
</tr>
</tbody>
</table>

9.2 Vacation shall be accrued for each month of service, prorated on the above schedule.

9.3 Subject to the limitations of 9.3.1, vacation time must be used in the calendar year in which it is received except that an officer may carry over up to 144 hours of vacation time to be used subsequent to the time of accrual. Officers may, solely at the Chief’s discretion, use their excess accrued vacation in increments of eight (8), ten (10) or twelve (12) hours dependent upon the officer’s regularly scheduled duty shift.

9.3.1 Officers shall not be entitled to use accrued vacation time during the calendar year of their year of hire.

9.4 Upon the separation of an officer from service for any reason other than for cause, the officer shall be entitled to a lump sum payment for all accrued and unused vacation time calculated at his or her base rate of pay pursuant to Article 33. Upon the death of an officer, such lump sum payment shall be paid to the officer’s estate. Payment due under this article shall be made within sixty (60) days of the date of the officer’s separation from the department or within sixty (60) days from the officer’s death or the appointment of a personal representative on behalf of the officer’s estate.

9.5 Vacation voting for the upcoming year shall take place during the last quarter of the preceding year.

9.6 Vacation shall be voted based on seniority in accordance with this article. Vacation shall be voted by work period or half work period. Officers who vote to split their vacation are entitled to take the first fourteen (14) days or the last fourteen (14) days of the work period subject to the availability of accrued time. If the vacation is split, both the first half and second half will be voted by seniority provided that the split vacation voting does not increase leaves which have been allotted through proportional scheduling. Officers shall be required to pre-select either a
full vacation or a split vacation. Officers may, however, split their accrued vacation time only if the aggregate of their accrued or saved vacation time is eighty (80) hours or more. When vacation time is split, during any two (2) week vacation period officers working ten (10) hours shifts shall use five (5) regular days off and officers working eight (8) hours shifts shall use three (3) regular days off, whenever possible, in addition to the split vacation time. Any additional accrued time available to the officer may be used to extend the officer’s period of vacation subject to the needs of the department and the Chief’s discretion.

9.7 Officers voting full period vacations who are entitled to in excess of twenty-eight (28) days, including vacation days and regular days off, shall be granted the days preceding or following the twenty-eight (28) day period at the discretion of the commander.

9.8 Transfers after vacation voting:

a. When the transfer is requested by the officer, all rights to the original vacation voting are relinquished. Vacation time will be granted strictly at the convenience of the Commander of the Bureau/District to which the officer is assigned until the next vacation voting period.

b. When the transfer has not been requested by the officer, insofar as it is possible without affecting the efficient operations of the unit, the unit commander will attempt to honor the original vote.

9.9 In the event a vacation or accumulated sick leave time slot becomes available, the commanding officer shall post notice of such available time for a period of fifteen (15) days, provided a fifteen-day period exists prior to the available time slot. If less than fifteen (15) days is available, the commanding officer shall post notice of such available time as soon as practicable following the date of availability until commencement. Such available time shall be awarded to officers on a priority based on seniority subject to procedures to be established by the Department.

9.10 Except in an emergency under procedures determined by the Chief, no part of vacation time voted in a full work period or half work period will be cancelled, nor shall an officer be called back during his/her use of such voted vacation time.

9.11 The use of vacation time shall be voted by seniority as follows:

9.11.1 Throughout the department, voting in each Bureau/District shall be according to seniority in rank. Rank includes the following positions: Captain, Lieutenant, Sergeant, and Police Officer. The appointed positions of detective, corporal and technician are not
civil service ranks. Division Chiefs may permit voting within individual units subject to the approval of the Deputy Chief of the affected area of Operations or Administration. In the absence of a Division Chief, the Deputy Chief of the affected area of Operations or Administration may permit voting within individual units. The Chief of Police may establish exceptions to this rule as he deems necessary for the efficient operation of the department.
Article 10  SICK LEAVE

10.1 Each officer shall be allowed one hundred forty-four (144) hours of sick leave per year with full compensation at the officer’s base rate of pay. The unused portion of such sick leave may be accumulated until the officer shall have a reserve of seven hundred twenty (720) hours of sick leave. At any time the accumulated reserve of sick leave shall exceed seven hundred twenty (720) hours, payment for the time in excess of seven hundred twenty (720) hours shall be made to the officer at the officer’s base rate of pay, provided the Chief approves such payment; and if such payment is not so approved, the time in excess of seven hundred twenty hours shall be added to the officer’s annual vacation. The maximum amount of accumulated sick leave to be compensated in any one year is one hundred forty-four (144) hours in excess of a seven hundred twenty (720) hour bank.

10.2 At the termination of an officer’s term of service with the department, for any reason, the officer shall pursuant to Article 33 receive compensation in full at the officer’s base rate of pay for all accumulated sick leave due the officer at the termination of service. Upon the death of an officer, the cash benefits attributable to the officer’s accumulated sick leave shall be paid to the officer’s surviving spouse or, if there be no surviving spouse, then the officer’s surviving child or children or, if there be no surviving child or children, then to the officer’s estate.

10.3 Sick leave may be used when an officer is incapacitated by sickness or injury; for medical, dental and optical examinations or treatment; and for the necessary care and attendance during sickness of a member of the officer’s immediate family. For purposes of this Article 10.3, “immediate family” includes the officer’s spouse, son, daughter, mother, father, grandparents, grandchildren, brother, sister, in-laws, or spousal equivalent as defined by the City.

10.4 Officers shall be provided Family and Medical Leave Act (“FMLA”) leave consistent with the FMLA and its corresponding regulations. Officers shall use accrued paid leave in conjunction with any leave granted under the FMLA.

10.5 An officer may donate sick leave to the sick leave bank of another member of the bargaining unit. Any sick leave donated to another officer’s sick leave bank shall be converted to the hourly rate of the donee.
Article 11 HOLIDAYS

11.1 The following are recognized and observed as holidays:

- New Year’s Day
- Dr. Martin Luther King Day
- Presidents Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Veterans Day
- Christmas Day
- Officer’s Birthday (to be taken off in accordance with procedures issued by the Chief)

11.2 In addition to his base pay, an officer shall be paid one and one-half times his base rate of pay for all regularly scheduled time actually worked on a holiday. If the number of hours worked on a holiday is less than eight, the balance of the time shall be paid in holiday straight pay to complete an eight-hour benefit. Notwithstanding the above, the pay provisions of this Article 11.2 will be suspended in 2021.

11.3 If the day on which a holiday is observed falls on an officer’s scheduled day off, the officer shall receive, in addition to the officer’s base pay, pay for the holiday at the officer’s base rate of pay. Notwithstanding the above, the pay provisions of this Article 11.3 will be suspended in 2021.

11.4 At the discretion of the Chief and subject to the needs of the department, an officer may request eight (8) hours of time off in lieu of receiving pay for the recognized holiday under 11.2 or 11.3 and may save up to four (4) such holidays for a maximum of thirty-two (32) hours of holiday time which can be voted at the time of the vacation leave vote. When an officer requests and is granted eight (8) hours of time off in lieu of a specific holiday, he has no entitlement to either premium pay under 11.2 for work on the holiday or payment under 11.3 if the holiday as observed falls on the officer’s scheduled day off. Notwithstanding the above, the provisions of this Article 11.4, with the exception of the Officer’s Birthday holiday, will be suspended in 2021.

11.5 Effective January 1, 2022, each officer will receive 100 hours of time in a separate Holiday Time Bank, subject to the following:

11.5.1 Any officers hired on or after January 1, 2021 will not receive this Holiday Time Bank.
11.5.2 The Holiday Time Bank can be used starting January 1, 2022 in accordance with the rules for use of vacation leave under Article 9. Alternatively, hours from the Holiday Time Bank may be used by an officer at the discretion of the Chief and subject to the needs of the Department.

11.5.3 Hours in an officer’s Holiday Time Bank may be carried forward from year-to-year until they are exhausted.

11.5.4 Any hours remaining in an officer’s Holiday Time Bank shall be payable upon separation.
Article 12                BEREAVEMENT LEAVE

Upon proper notification to his commanding officer, an officer shall be granted forty (40) hours of paid leave of absence in the event of the death of the officer’s husband, wife, mother, father, mother-in-law, father-in-law, stepfather, stepmother, child, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, grandparent, grandchild, spousal equivalent as defined by the City, or other person within the officer’s immediate household. On the occasion of the death of any other relative, including a relative by marriage, an officer shall be granted a one (1) day paid leave of absence. Bereavement leave pursuant to this Article may be taken in conjunction with the officer’s regularly scheduled days off and/or previously scheduled leave time. Bereavement leave is to be taken in connection with matters related to the death.
Article 13  MILITARY SERVICE LEAVE

13.1 Officers who are absent from work for military service in one of the uniformed services and who are otherwise eligible under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) shall be granted leaves of absence for such military service.

13.1.1 Officers shall give the Department advance written or verbal notice of an absence due to military service.

13.1.2 Officers shall be eligible for up to fifteen (15) days, not to exceed one hundred twenty (120) hours, of paid military leave each calendar year.

13.1.3 Any officer who remains in military service beyond the time for which paid military leave is allowed shall be placed on military leave without pay. However, an officer may elect to use any accrued vacation leave or compensatory time, in lieu of unpaid leave, for all or any portion of the officer's absence due to military service.

13.2 Officers absent on military leave for less than thirty-one (31) days are entitled to continued health and dental insurance coverage as provided by this Agreement. Officers who serve more than thirty (30) days in the military may elect continued health and dental insurance coverage for themselves and their dependents, at their own expense.

13.3 While on paid military leave, an officer’s seniority and eligibility for pay increases and vacation and sick leave accrual shall not be affected. While on any unpaid military leave, an officer's seniority will not be affected.

13.4 During the term of this Agreement, officers shall receive military pay or benefits currently provided by D.R.M.C § 18-164 or, subsequent to the expiration of said ordinance, in accordance with and at the level provided to any Civil Service or Career Service employee in any ordinance subsequently enacted in lieu or, to replace, or to supplement D.R.M.C § 18-164. In the event D.R.M.C § 18-164 expires and is not subsequently re-enacted, the level of benefits therein contained shall continue during the term of this Agreement.
Article 14 LEAVE OF ABSENCE

A leave of absence without pay of up to one (1) year may be granted by the Chief or his designee to an officer who has completed at least five (5) years of continuous service. Leave shall not be unreasonably denied. If the leave is denied, the reason for denial shall be provided to the officer in writing.
Article 15  

NUMBER OF HOURS IN WORK PERIOD/DAYS OFF

15.1 During each twenty-eight (28) day work period, the normal work cycle shall be one hundred sixty (160) hours, inclusive of authorized leave time. During each twenty-eight (28) day work period, each officer shall receive eight (8) days off, or the equivalent, depending on the officer’s regularly scheduled duty shift.

15.2 In the event that the department adopts a fourteenth (14th) period during any calendar year, each officer shall receive an additional two (2) days off, or the equivalent, depending on the officer’s regularly scheduled duty shift.
Article 16  

OVERTIME

16.1 Pursuant to § 7(k) of the Fair Labor Standards Act (29 U.S.C. § 207(k)), a work period for officers of twenty-eight (28) days is established.

16.2 The overtime rate of pay shall be at time and one-half of the officer’s regular rate of pay. Except as noted in section 16.3 below, all officers up to and including the rank of lieutenant shall be paid at the overtime rate for all hours worked in excess of their normal daily work shift or for all hours actually worked in excess of one hundred seventy-one (171) hours in the work period. Captains shall be compensated for all hours worked in excess of their normal duty shift at their regular rate of pay, except as noted in section 16.3 below. For purposes of this article, the term “hours worked during a normal daily work shift” shall include all types of paid leave or time off except compensatory time. The parties expressly acknowledge that the time spent donning and doffing the uniform and safety gear required by the Department to be worn by officers does not constitute compensable work time under the FLSA or this Agreement.

All overtime worked, other than off-duty overtime specified in section 16.3 below, shall be compensated in either money or time off pursuant to this agreement, unless external funding sources dictate otherwise. All overtime work must be approved by the officer’s supervisor prior to the work being performed. Time worked will be recorded pursuant to the Department's established record keeping procedures.

After working overtime, the officer will designate whether he wants to be compensated in money or time off. If the officer requests compensation in money, that request will be honored unless a supervisor, for reasonable cause, denies the request. Any such denial is subject to review through the chain of command and ultimately through the grievance procedure of the collective bargaining agreement. If the officer requests compensation in compensatory time off, said request shall be granted, absent extraordinary circumstances, until the officer achieves a bank of eighty (80) hours. If an officer has accumulated a bank of eighty (80) hours or more, then a request for further accrual of compensatory time off must be approved by the Chief or his designee.

Compensatory time for all non-Patrol Officers may be used within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the Department. Compensatory time for all Officers within the Patrol Division shall be in accordance with those practices more specifically set forth in a Settlement Agreement and Order Approving Settlement entered in a civil action entitled Nick Rogers, et al v. City and County of Denver, Civil

16.3 Overtime in off-duty positions paid through the department shall be compensated as follows:

a. Officers below the rank of sergeant working overtime in an off-duty position paid through the department shall be compensated at their overtime rate.

b. Officers at or above the rank of sergeant working overtime in an off-duty position in a supervisory capacity paid through the department shall be compensated at their overtime rate.

c. Unless otherwise approved by the Chief or his designee, officers at or above the rank of sergeant working overtime in an off-duty position in a non-supervisory capacity paid through the department shall be compensated at one and one-half times the hourly rate of pay of a detective with 25 years longevity.

16.4 Actual overtime worked is to be converted to the nearest 1/10th hour until such time as the Department has the ability to record and pay overtime to the minute. At that time, actual overtime worked will be calculated and paid to the minute.

16.5 Officers shall not be required to declare their intention to request compensation in money or time off prior to overtime being assigned to perform unscheduled operational, investigative or enforcement duties.
Article 17  CALL BACK

17.1 Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer’s last regular shift and within two (2) hours of the officer’s next regularly scheduled shift shall be paid for two (2) hours at one and one-half times the officer's regular rate of pay, payable in compensatory time off or pay, at the officer’s discretion. Each officer up to and including the rank of Lieutenant called back to work by an authorized superior officer after the completion of the officer’s last regular shift and two (2) or more hours prior to the officer’s next regularly scheduled shift shall be paid a minimum of three (3) hours or the actual time worked, whichever is greater, at one and one-half times the officer’s regular rate of pay, payable in compensatory time off or pay, at the officer’s discretion. Captains shall be entitled to pay under this provision at their regular rate of pay. Call back pay commences upon notification of the officer to immediately return to duty, or if the officer is not ordered to immediately return to duty, when the officer’s work assignment begins.

17.2 An officer shall not be obligated to modify or flex the hours of his/her regularly scheduled duty shift in lieu of or as a method to avoid call back compensation.

17.3 Officers up to and including the rank of Lieutenant required to attend scheduled meetings after the completion of the officer’s last scheduled shift and before the beginning of the officer’s next regularly scheduled shift shall be paid at one and one-half times the officer’s regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater. Captains required to attend scheduled meetings after the completion of the officer’s last scheduled shift and before the beginning of the officer's next regularly scheduled shift shall be paid for two (2) hours at the officer’s regular rate of pay or the actual time worked at the officer’s regular rate of pay, whichever is greater.
Article 18  

COURT TIME/JURY DUTY

18.1 Any officer up to and including the rank of Lieutenant who is off duty and is subpoenaed to testify concerning matters arising out of the performance of his or her assigned duties shall be paid at one and one-half times the officer’s regular rate of pay for a minimum of two (2) hours or actual time worked, whichever is greater, except:

1. Testimony commencing within two (2) hours prior to the officer’s regularly scheduled shift will be viewed as continuous duty;

2. Testimony commencing when an officer is on duty and concluding when an officer is off duty will be viewed as continuous duty;

3. Officers who are on inactive duty because of a line of duty injury will receive no compensation for appearing in court; and

4. If an officer is using sick leave, the officer shall be compensated at his or her base rate of pay for time spent in court, without deduction of that time from his or her sick leave bank.

18.2 Any officer who is summoned to perform jury duty shall suffer no loss of pay or benefits for any and all time spent in the performance of such service or in response to such summons.

18.3 The parties agree that members of the bargaining unit subpoenaed to appear in court shall call into the police department within twenty-four (24) hours prior to the day of the required court appearance in order to determine whether the subpoena has been canceled. Should the employee fail to call the police department within the twenty-four (24) hour period and appear in court for a case which has been cancelled, no call back or overtime compensation shall be paid to the employee.

The twenty-four (24) hour time frame for the call into the police department shall be a window period of 5:00 p.m. to 12:00 a.m. (midnight) of the day preceding the required court appearance. The employee shall be paid court time if he or she calls within the required time period, is told to appear, and then the case is cancelled.

18.4 Telephonic/Video Appearances. An officer providing telephonic or video testimony pursuant to a subpoena to testify concerning matters arising out of the performance of his or her assigned duties shall be compensated in accordance with Articles 18.1 and 18.3.
Article 19  

CHANGE OF SHIFT AND CANCELLATION OF DAYS OFF

19.1  

Except in cases of emergency, any time an officer is required to begin a new shift less than eight (8) hours from the end of the officer’s previous shift, the officer shall be entitled to overtime compensation for those hours less than eight (8).

19.2  

The schedule of voted days off, the schedule of shift assignment and hours of shift assignment shall be posted by the commanding officer or designee not less than seven (7) days prior to the beginning of each work period. Each schedule shall be signed by the commanding officer or designee and the date and time of posting shall be noted. The schedule shall be posted in a location within the unit of command where it can be viewed by officers assigned to that duty location.

19.3  

Except in an emergency under procedures determined by the Chief, anytime the posted schedule of days off is ordered changed by the commanding officer within seven (7) days of the date of an officer’s scheduled day off, the officer(s) affected by the change shall receive four (4) hours of compensatory time or pay at his/her regular rate of pay. Any time the posted start time of a shift is changed within seventy-two (72) hours of the commencement of the shift, the officer(s) affected by the change shall receive two (2) hours of compensatory time. The determination of an emergency situation shall not be subject to grievance or arbitration.

If an officer’s scheduled day off is ordered changed by the commanding officer within seven (7) days of an officer’s scheduled day off three or more times in the same twenty-eight (28) day work period, the officer will receive six (6) hours of compensatory time or pay at the officer’s regular rate of pay for the third such change and any such changes thereafter during the same work period. If the posted start time of an officer’s shift is changed within seventy-two (72) hours of the commencement of the officer’s shift three or more times in the same twenty-eight (28) day work period, the officer shall receive four (4) hours of compensatory time for the third such change and any such changes thereafter during the same work period.

19.4  

In the event an officer is required to work on his or her previously scheduled day off, and in the further event the officer does not receive a substitute day off during the same work period, the officer shall receive overtime compensation at the rate of one and one-half (1½) times the officer’s regular rate of pay for all hours worked on the officer’s previously scheduled day off.
Article 20  

EQUIPMENT ALLOWANCE

20.1 The City shall pay each officer an allowance of $875 for the acquisition, maintenance and repair of equipment. This payment shall be made on or before November 30 of each year of the Agreement.

20.2 The items contained in Uniform Supply Directive Numbers 97-02, 97-13, 97-14, 97-17, 97-19, 97-20, 97-23, 97-24, 97-28 shall be provided by the City at the discretion of the Chief. There will be an opportunity for input by the Labor Management Committee before any change is implemented.

20.3 The “Colorado Peace Officers’ Statutory Source Book” and the “Colorado Revised Statutes Pertaining to Criminal Law” published by the Colorado District Attorneys Council will be available for review and reference at each of the decentralized stations and other police facilities and the Police Administration Building.

20.4 VESTS

20.4.1 For each officer who graduates from the academy, the City will provide reimbursement of up to seven hundred fifty dollars ($750) for the purchase of a protective vest.

20.4.2 All other officers shall be entitled to reimbursement of up to seven hundred fifty dollars ($750) for the purchase of a protective vest on the fifth year anniversary of the prior reimbursement to the officer for the purchase of such vest. Reimbursement shall only be available with proof of purchase of a replacement vest of replacing the one for which reimbursement had previously been received, or a new vest if no reimbursement was previously made.

20.4.3 Notwithstanding the above and foregoing, if, at any time during the term of this Agreement, a protective vest previously issued by the City or a vest which was previously the subject of reimbursement by the City becomes unserviceable in accordance with the manufacturer's warranties, such vest shall be surrendered to the City and a replacement vest issued to the officer or a reimbursement made to the officer for the actual purchase of a replacement vest, up to seven hundred fifty dollars ($750).
**Article 21  WORK ASSIGNMENT IN HIGHER RANK**

21.1 Any officer who, for more than one-half of the officer’s regularly assigned shift is temporarily assigned by his supervisor to a rank higher than that which the officer currently holds and assumes the duties of that higher rank shall be compensated at the hourly rate of pay of the higher rank for the entire duty shift in which he or she is so assigned. If during the period of temporary assignment, the officer also works overtime as defined by Article 16 of this Agreement, the officer shall be paid overtime as provided by Article 16.

21.2 If the Chief or his designee assigns any Police Officer 1st Grade to perform the duties of a Technician, Detective or Corporal, then that officer will be compensated at the rate associated with that assignment for the entire period the officer is acting in that capacity. For purposes of calculating overtime under Article 16 of this Agreement, the acting pay provided by this Article 21.2 shall be considered the officer’s “regular rate of pay” until such time as the officer is no longer working in an acting capacity. The acting pay provisions above shall not apply to detective training programs or limited duty assignments.
Article 22  INJURY IN LINE OF DUTY

22.1 Any officer who shall become injured in line of duty shall be provided when necessary with hospitalization, doctors, surgeons, nurses and medical care.

22.2 Any officer who shall become so physically or mentally disabled by reason of bodily injuries received in the discharge of the duties of the officer in the department that the officer is rendered unable to perform duties in the department, shall be granted any necessary leave of absence not to exceed 2080 hours at full salary for the rank which the officer holds in the department, and shall be compensated from the regular police department payroll.

22.3 Should such officer need additional leave of absence in excess of 2080 hours, the officer may use accumulated sick leave and should the officer still need additional leave of absence, the officer may be granted additional leave of absence at one-half of the salary for the rank the officer holds in the department, to be paid from the “pension and relief fund;” provided, however, that should such officer be eligible for retirement on a pension, the officer shall not be entitled to receive such additional disability leave, but instead shall be retired from active service at the expiration of the 2080 hours leave of absence and accumulated sick leave.

22.4 Compensation shall not be denied under this section because the injury was not received on the tour of duty to which the officer has been assigned, if it was received in the discharge of the duties of the officer and if the officer conducted himself in a legal manner and in compliance with rules and regulations governing the department.

22.5 Except as otherwise provided by statute, the Charter, or Article 22.3 above, when the City has admitted liability or accepted a workers’ compensation claim, no officer shall be required to use accumulated sick leave for any line of duty injury or illness.
Article 23  FUNERAL EXPENSES

In the event an officer is killed in the line of duty or dies from injuries sustained in the line of duty, the City shall pay the cost of reasonable funeral expenses up to a maximum of $10,000.00, which amount shall be offset by any other payments for these purposes made by any other agency or organization.
Article 24 LIFE INSURANCE

The City shall provide group life insurance coverage for each officer in an amount equal to one and one-half times the officer’s base pay.
Article 25

HEALTH AND DENTAL INSURANCE

25.1 Health Insurance: The City shall offer health care plan options from no fewer than two (2) insurance providers, in addition to Denver Health, if coverage from Denver Health is offered. The amount of the City’s contribution will depend on the plan selected by the officer. During the term of this Agreement, the City shall make the following contributions towards health insurance premiums:

If the provider selected by the officer offers two plans, the City shall contribute 77.5% of the premiums if the officer selects the high premium plan; the City shall contribute 90% of the premiums if the officer selects the low premium plan. If the provider selected by the officer offers only one plan, the City shall contribute 90% of the premiums for that plan.

For the duration of this Agreement, if an officer selects a high deductible plan and has opened a Health Savings Account (HSA), the City will contribute six hundred dollars ($600) annually to the officer’s HSA if the officer has enrolled in an employee-only health plan; if the officer has enrolled in a multi-party plan, the City will contribute one thousand two hundred dollars ($1,200) annually to the officer’s HSA.

For high deductible plans: (1) the co-insurance will be shared between the provider and the employee on a minimum of an 80/20 split, (2) the deductibles for the plans will be no more than 10% above the federally mandated minimum, and (3) the maximum out-of-pocket cost for employees for network coverage shall not exceed $4,000 for single coverage subscribers and $7,000 for multi-party coverage subscribers.

If any of the health care plans offered by the City in 2020 are no longer offered, the City’s premium contribution levels stated above shall apply to any replacement plan offered by the City and the benefit levels of any new plan shall be substantially similar to the plan it replaces.

25.2 Dental Insurance: The City shall offer dental insurance to officers. Regardless of plan selected by the officer, the City’s level of contribution shall be equivalent to 80% of the premium costs of the mid-level dental plan offered to officers. In no event shall the City’s contribution exceed the actual cost of coverage as determined by the provider. The mid-level dental plan offered to officers shall be substantially similar to the current Delta Dental EPO plan.

25.3 This Article shall not be administered in any manner that would be in conflict with or violate the terms and conditions of any contracts between the City and health and dental insurance providers.
25.4 The Association will substantially participate with the City in the development of health and dental plans to be offered to officers. The Association will have the opportunity to comment and make recommendations on proposals before health and dental plans are offered to officers. In addition, a member of the Association chosen by the Association shall be appointed by the Mayor to the Employee Health Insurance Committee.
<table>
<thead>
<tr>
<th>Article 26</th>
<th>DEATH AND DISABILITY CONTRIBUTION</th>
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<tbody>
<tr>
<td>26.1</td>
<td>During the term of this Agreement the City shall pay the state mandated contribution for death and disability coverage pursuant to C.R.S. § 31-31-811(4), as it may be amended from time-to-time, for all officers hired on or after January 1, 1997.</td>
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Article 27  

PAY RATES AND LONGEVITY

27.1.1 Effective January 1, 2021, the annual salary for officers will be as follows:

- Police Officer Recruit: $58,633
- Police Officer 4th grade: $63,480
- Police Officer 3rd grade: $70,261
- Police Officer 2nd grade: $75,225
- Police Officer 1st grade: $94,630
- Technician: $100,968
- Detective: $104,193
- Corporal: $104,193
- Sergeant: $113,137
- Lieutenant: $129,751
- Captain: $146,159

27.1.2 Effective January 1, 2022, the annual salary for officers will be as follows:

- Police Officer Recruit: $59,806
- Police Officer 4th grade: $64,750
- Police Officer 3rd grade: $71,666
- Police Officer 2nd grade: $76,730
- Police Officer 1st grade: $96,523
- Technician: $102,987
- Detective: $106,277
- Corporal: $106,277
- Sergeant: $115,400
- Lieutenant: $132,346
- Captain: $149,082

27.1.3 Effective July 1, 2022, the annual salary for officers will be as follows:

- Police Officer Recruit: $60,703
- Police Officer 4th grade: $65,721
- Police Officer 3rd grade: $72,741
- Police Officer 2nd grade: $77,880
- Police Officer 1st grade: $97,970
- Technician: $104,532
- Detective: $107,871
- Corporal: $107,871
- Sergeant: $117,131
- Lieutenant: $134,331
- Captain: $151,318

35
27.2 LONGEVITY

All officers, upon reaching their fifth (5th) anniversary date of employment, shall be paid longevity pay. Officers entitled to longevity pay shall be paid at the rate of twelve dollars ($12.00) per month for each year of service. The effective date of longevity pay increases shall be the first Sunday following the officer’s anniversary date.

27.3 In 2021, officers assigned to the following assignments shall, in addition to the pay rates above, receive the following:

27.3.1 Bomb technician: $150 per month
27.3.2 Motorcycle: $150 per month for officers certified and assigned as motorcycle officers
27.3.3 Helicopter chief pilot: $525 per month
27.3.4 Helicopter pilot: $375 per month
27.3.5 Canine handler: Officers assigned as canine handlers shall receive, in addition to their annual salary, eight (8) hours of compensatory time and eight (8) hours of additional pay per work period.
27.3.6 Bilingual officers: Officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief or the Chief’s designee: one hundred dollars ($100) per month. Additionally, officers who are certified with advanced levels of expertise may be paid up to a total of $200 per month in accordance with published standards and procedures.

27.4 SPECIALTY PAY

Effective January 1, 2022, officers assigned to the following assignments shall be paid as follows:

27.4.1 Bomb technician:
Detectives: 101.72% of annual Detective pay
Sergeants: 101.59% of annual Sergeant pay
27.4.2 Motorcycle (for officers certified and assigned as motorcycle officers):
Police Officers 1st grade: 101.90% of annual Police Officer 1st grade pay
Corporals: 101.72% of annual Corporal pay
Sergeants: 101.59% of annual Sergeant pay
Lieutenants: 101.38% of annual Lieutenant pay
27.4.3 Helicopter chief pilot: 106.23% of annual Technician pay
27.4.4 Helicopter pilot: 104.45% of annual Technician pay
27.4.5 Canine handler: Officers assigned as canine handlers shall
receive eight (8) hours of compensatory time per work period. In addition, officers assigned as canine handlers shall receive:
  Technicians: 105% of their annual Technician Base Pay
  Corporals: 105% of their annual Corporal Base Pay

27.5 BILINGUAL PAY

In addition to their annual salary, officers who are certified and designated as bilingual officers in accordance with procedures published by the Chief or the Chief’s designee: one hundred dollars ($100) per month. Additionally, officers who are certified with advanced levels of expertise may be paid up to a total of $200 per month in accordance with published standards and procedures.

27.6 ON CALL

Procedures will be established by the Chief to insure officers placed on call will be compensated for all time spent handling phone calls while off duty. Each call will be logged on a log sheet and approved by the officer’s commander at the end of every work period. The officer will be compensated at their overtime rate of pay in either time off or overtime pay. If an officer in on call status is called back to work by an authorized supervisor, the officer will no longer be in on call status and will be compensated in accordance with Article 17 of this Agreement.
Article 28    PAY PERIODS

28.1 Officers shall be paid on a biweekly basis, on alternating Fridays. Whenever a payday falls on a recognized holiday specified in Article 11, payment of salaries shall be made on the preceding business day.
Article 29  RETIREE HEALTH

29.1 Subject to annual appropriation, during each year of this Agreement the City will make annual contributions to the Denver Police Retiree Health Fund (“Trust”) which has been established for the sole purpose of providing some assistance with the payment of health insurance premiums for officers who retire on or after January 1, 1996. Beginning January 1, 2020, the City’s annual contribution shall be $1,200,000. Quarterly payments to the Trust by the City will be made on January 10, April 10, July 10 and October 10 of each year. Notwithstanding the above, in 2021 the City will only contribute $840,000 to the Trust. In 2022, the City’s annual contribution to the Trust will return to $1,200,000.

29.2 The Association shall provide the City with financial reports of the Trust on a quarterly basis. The Association shall also notify the City of any changes to the Articles of Incorporation, governing by-laws or terms of administration of the Trust for approval, to ensure that the Trust is being administered consistently with the intended purpose of this Article.
<table>
<thead>
<tr>
<th>Article 30</th>
<th>GRIEVANCE AND ARBITRATION PROCEDURES</th>
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<tr>
<td>30.1</td>
<td>A grievance is a claim that the City has violated an express provision of this Contract, and does not include any disciplinary matters.</td>
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<tr>
<td>30.2</td>
<td>Any officer or group of officers or the Association may discuss any matter with their Division Chief, Deputy Chief or the Chief, without invoking the formal grievance procedure provided for in this Article. No agreements reached in such informal discussion shall be binding on the Association or any other officer nor shall they be binding on the City or officer raising the issue except for the specific incident which led to the discussion.</td>
</tr>
<tr>
<td>30.3</td>
<td>Neither the City nor the Association shall threaten or coerce any officer for filing a grievance under this Contract.</td>
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<tr>
<td>30.4</td>
<td>All grievances shall be settled in the following manner:</td>
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**Step 1.** A grievance must be initiated by either an aggrieved officer or by the Association on behalf of one or more member(s) of the bargaining unit. The grievant must reduce the grievance to writing and present the written grievance to the Deputy Chief within thirty (30) calendar days after the grievant knew or should have known of the facts which gave rise to the grievance. The written grievance must contain (a) a statement of the grievance and the facts upon which it is based; (b) the specific section(s) of the Contract allegedly violated; and (c) the remedy or adjustment sought. In addition, if the grievance is initiated by the Association, the written grievance shall identify the name of the member(s) on whose behalf the Association is filing the grievance. The Deputy Chief shall hold a meeting with the grievant within ten (10) calendar days from the receipt of the grievance and shall within ten (10) calendar days from the date of such meeting issue a written response to the grievant and the Association. The Association shall be given notice of the meeting and shall have the right to attend if it so chooses. |

**Step 2.** If the grievance is not resolved at Step 1, the grievant shall have fifteen (15) calendar days from the issuance of the Step 1 denial to present the grievance to the Chief. Within fifteen (15) calendar days of receipt of the grievance at Step 2, the Chief shall hold a meeting with the grievant and representative(s) of the Association. Within fifteen (15) calendar days of such meeting the Chief shall issue
a response in writing to the grievant and Association.

Step 3. If the grievance is not resolved at Step 2, the Association may demand arbitration. Any demand for arbitration must be in writing and received by the official designated by the City within fifteen (15) calendar days of the Association’s receipt of the Step 2 denial.

a. The parties shall obtain a panel of seven Western States Region arbitrators from the Federal Mediation and Conciliation Service. The Grievance Arbitrator shall be selected by a method of alternative striking of names from the panel, with the first strike determined by the flip of a coin. The final name left on the panel shall serve as the Grievance Arbitrator.

b. The Grievance Arbitrator shall have the authority to hold hearings and make procedural rules.

c. The award of the Grievance Arbitrator shall be final and binding on the City and the Association. The Grievance Arbitrator shall have no authority to add to, subtract from, alter or modify any terms of this Contract.

d. The award of the Grievance Arbitrator shall be rendered within thirty (30) calendar days of the closing of hearing or the submission of briefs following hearing, whichever is later. The costs of any arbitration shall be borne equally by the parties to this Contract.

e. Either party may request a certified court reporter to take a stenographic record of the evidence taken at the arbitration hearing. If such a stenographic record is taken, a copy of the transcript shall be provided to the Grievance Arbitrator. The party requesting a stenographic record shall pay the cost thereof, except that if the other party shall request a copy of any transcript, the parties shall share equally the entire cost of making the stenographic record.

If the grievant or Association fails to comply with any time limit set forth in this Article, the grievance shall be deemed forfeited. If the City fails to comply with any time limit set forth in this Article, the grievance shall be deemed denied as of the last day of the time limit and may be moved to the next step within the time frames set forth in that step.
30.6 The following matters are not subject to the grievance procedures of this Contract: Any matter covered by the Charter of the City and County of Denver, the Rules and Regulations of the Department not inconsistent with the express terms of this Contract, and the Operations Manual of the Department not inconsistent with the express terms of this Contract, the Rules and Regulations of the Civil Service Commission of the City and County of Denver adopted pursuant to its authority, City Ordinances, Statutes and Constitutional provisions.

30.7 The time limits for processing grievances as set forth in this Article may be extended by agreement between the Chief or a designee of the Chief and a representative of the Association. Any such agreements shall be memorialized in writing. If the last day of any time limits set forth in this Article occurs on a Saturday, Sunday or holiday, the limit shall be automatically extended to the next calendar day which is not a Saturday, Sunday or holiday.

30.8 Any grievance which impacts more than one officer can be filed by the Association directly at Step 2 within fifteen (15) days of when the grievant or the Association knew or should have known the events giving rise to the grievance.
Article 31  SAVINGS CLAUSE

Should any section or portion thereof of this contract be held unlawful and unenforceable by any court of competent jurisdiction, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and the remaining parts or portions of the contract shall remain in full force and effect. Upon the issuance of such a decision, the parties agree immediately to commence negotiations for a substitute for the invalidated section or portion thereof.
**Article 32**  
**GENERAL AND DURATION**

32.1 The Association is not bound by any agreements or understandings that the City might make with any officer(s) or any other organization of officers unless such agreements or understandings are specifically stated in this Contract.

32.2 This contract shall be effective as of January 1, 2021 through December 31, 2022 and its terms shall remain in full force and effect until a new contract is effective.
Article 33  PAYMENT ON SEPARATION

Payments due pursuant to the terms of this Agreement for all accrued and unused leave and compensatory time shall be payable within sixty (60) days of an officer’s separation from the Department, at the officer’s base rate of pay at the time of separation.
PART D
Mayoral Executive Orders
(Two)
EXECUTIVE ORDER NO. 94

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: June 1, 2020

SUBJECT: City and County of Denver Employees’ Alcohol and Drug Policy

PURPOSE: As an employer, the City and County of Denver (City) is required to adhere to various federal, state, local laws and regulations regarding alcohol and drug use. The City also has a vital interest in maintaining a safe, healthy and efficient environment for its employees and the public. Being under the influence of, subject to the effects of, or impaired by alcohol or drugs on the job may pose serious safety and health risks to the employee, his or her co-workers and the public. Additionally, the possession, use, or sale of an illegal drug in the workplace poses an unacceptable risk to the safe, healthy and efficient operation of the City.

The City provides employee assistance through outside providers and Department of Safety psychologists (for uniformed personnel), all of whom offer help to employees who seek assistance for alcohol and/or drug use and other personal or emotional issues.

POLICY: It is the policy of the City to maintain a safe and healthy work environment by prohibiting the use of alcohol and illegal drugs in the workplace. Employees who consume alcohol or illegal drugs on City property, or who work while under the influence of, subject to the effects of, or impaired by drugs or alcohol, pose a serious safety risk to themselves and those around them. The City has both the right and the obligation to maintain a safe and healthy working environment for its employees by adhering to applicable federal, state and local law, and by enforcing the rules set forth in this Executive Order.

It is also the policy of the City to take a strong stand against driving under the influence of alcohol or drugs. Traffic-related deaths and injuries have risen to unacceptable levels across the country and many of those deaths and injuries are attributable to drunk and drug-impaired driving. The City is constantly striving to make its roads safer by various means, which include promoting a culture of traffic safety. It is antithetical to those efforts for the City to tolerate drunk and drug-impaired driving by any of its employees at any time.

City employees who violate this Executive Order may be subject to disciplinary action, up to and including dismissal. Moreover, the failure of a managerial or supervisory employee to enforce this Executive Order may result in disciplinary action against the manager or supervisor, up to and including dismissal.

RESPONSIBLE AUTHORITY(S): City Attorney

This executive order, effective on the above date, establishes and confirms the policy of the City concerning the problem of drug and alcohol use in the workplace, as well as unlawful off-duty alcohol and drug driving offenses. On the date it becomes effective, this executive order supersedes all previous enacted alcohol and drug executive orders.

I. PROHIBITIONS FOR ALL CITY EMPLOYEES INCLUDING CLASSIFIED MEMBERS OF THE POLICE AND FIRE DEPARTMENTS.

A. Alcohol

Employees are prohibited from consuming, being under the influence of, or impaired by alcohol while performing City business, driving a City vehicle or on City property.
There are seven circumstances under which these prohibitions do not apply.

1. An employee is not on duty and attending an officially sanctioned private function, e.g., an invitation-only library reception.

2. An employee is attending an officially sanctioned public function on City property at which alcohol is served (e.g., a reception hosted by the Mayor to honor a departing appointee) and is not impaired by or under the influence of alcohol.

3. An employee is not on duty and at a City location as a customer, e.g., playing golf on a City course.

4. An employee is a member of the Police Department and as a part of the employee’s official duties, consumes alcohol in accordance with Police Department procedures.

5. The Mayor and any accompanying employee, while hosting dignitaries on City property during or outside of regular business hours, consumes alcohol in honor of the dignitaries’ tradition or culture of ceremoniously sharing alcohol with their host, and is not impaired by or under the influence of alcohol.

6. An employee is performing City business outside of the employee’s regular business hours while attending a business-related event, and the employee is not driving a City vehicle to or from the event and is not impaired by or under the influence of alcohol during the event.

7. An employee is performing airport related business during or outside of regular business hours:
   a. while attending an event hosted or officially sanctioned by the Department of Aviation at which alcohol is served and is not impaired by or under the influence of alcohol; or
   b. while on international or interstate airport related business travel; and the employee is not impaired by or under the influence of alcohol and the employee is an appointed or elected Charter officer or an appointee thereof, a department or agency head, or has the permission of his or her appointing authority.

The alcohol levels defined by the state legislature that may be amended from time to time for defining “under the influence of alcohol” and “impaired by alcohol” are adopted here for purposes of this executive order.

Employees holding Commercial Driver’s licenses (CDL) are also subject to the alcohol levels defined by the Department of Transportation (DOT) regulations that may be amended from time to time for “under the influence” which are adopted here for purposes of this executive order.

Current alcohol level definitions are contained in the Addendum of this Order. If the alcohol level definitions contained in the Addendum to this Order conflict with the definitions provided by state law and the DOT regulations, the state law and DOT regulations will control.
B. Legal Drugs

1. Employees who operate vehicles or dangerous equipment or perform safety-sensitive functions as part of their essential duties and who are taking or intend to take prescription medication that is identified as a controlled substance in the schedules of controlled substances (Title 21 C.F.R. § 1308.12-15), or that may otherwise affect their performance, are prohibited from performing their safety-related duties unless and until they have completed the disclosure and clearance process set forth below. The types of drugs identified in the schedules of controlled substances include, but are not limited to, opiates, depressants, narcotic drugs, anabolic steroids, stimulants and hallucinogenic substances.

2. The disclosure and clearance process requires that all such employees do the following:
   a. Notify their supervisor, the Agency’s Human Resource professional, or the Agency’s Safety Officer in advance of performing their duties that they intend to take or are currently taking (on or off duty) prescription medication that is a controlled substance or may otherwise affect their job performance, and that medical clearance is needed. No additional medical information needs to be disclosed at this time, nor should it be requested.
   b. Schedule and participate in an interview with the Medical Director of the Occupational Health and Safety Clinic (OHSC), or their delegee, the purpose of which is to enable the Medical Director or delegee to confirm the validity and limitations of the prescription medication and determine whether the use of the controlled substance as prescribed will adversely affect their ability to safely perform their job duties.
   c. Obtain clearance from the Medical Director or delegee to perform their regular duties while taking the prescription medication, and report their clearance to their supervisor, Agency Human Resources professional or Agency Safety Officer.

3. It shall be the employee’s responsibility to initiate and comply with this disclosure and clearance process and to cooperate with the supervisor, Agency Human Resource professional or Agency Safety Officer, and the Medical Director or delegee, to allow for a prompt determination to be made. Employees who fail to comply with the disclosure and clearance process may be subject to disciplinary action, up to and including dismissal.

4. If appropriate, the Medical Director or delegee may request a medical release from employees seeking prescription medication clearance for the purpose of contacting the prescribing physician.

5. Employees who operate vehicles or dangerous equipment or perform safety-sensitive functions as part of their essential duties and who regularly take prescription medications described in paragraph B(1), above, are required to comply with the disclosure and clearance process on an annual basis, and any such earlier
time as a change is made to their prescription that may affect or further affect their ability to perform their safety-related duties.

6. Employees who are currently taking prescription medications described in paragraph B (1), above, may be required to use paid leave, or if no such leave is available, authorized unpaid leave, pending completion of the disclosure and clearance process.

7. The OHSC and/or the Agency’s Human Resources personnel shall keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.

8. Marijuana is not considered a legal drug for purposes of this Executive Order No. 94, even if a physician has recommended marijuana for medical reasons. Please refer to Section I (C)(3), below.

C. Illegal Drugs

1. Employees are prohibited from consuming, being under the influence of, subject to the effects of, or impaired by illegal drugs while performing City business, while driving a City vehicle or while on City property.

2. Employees are also prohibited from selling, purchasing, offering, transferring or possessing an illegal drug while performing City business, while driving a City vehicle or while on City property. There is one exception to this prohibition. An employee of the Classified Service of the Police and Fire Departments or the Denver Sheriff’s Department may, as a part of his or her official duties, sell, purchase, transfer or possess illegal drugs in accordance with the employee's department procedures.

3. Although Colorado state law has de-criminalized the use, possession, sale and cultivation of recreational and medical marijuana by certain individuals subject to various limitations and restrictions, those laws do not require employers to accommodate or permit such use, possession, sale, etc., of marijuana in the workplace. In addition, marijuana currently remains an illegal drug under federal law. As such, for the purposes of this Executive Order, marijuana is still considered an “illegal drug,” even when used for medical purposes.

4. Prescription drugs obtained or used illegally constitute an “illegal drug” for the purposes of this Executive Order.

5. The illegal drug cut-off levels established by the DOT regulations, that may be amended from time to time, are adopted here for purposes of this executive order. Current illegal drug levels are contained in the Addendum to this Order. If there is a conflict between the illegal drug levels established by the DOT regulations, and those contained in the Addendum to this Order, the DOT regulations will control.
II. DRUG AND ALCOHOL TESTING

A. Pre-Employment/Pre-Placement Testing

1. The City may implement, with the City Attorney’s approval, pre-employment screening practices designed to prevent hiring or promoting individuals into job positions whose:

   a. use of illegal drugs may affect the public health or safety; and

   b. use of alcohol or legal drugs indicates a potential for impaired or unsafe job performance where the public health or safety may be affected.

   The Civil Service Commission, Office of Human Resources, OHSC or interviewing agency shall inform a job applicant of these pre-employment screening practices prior to such screening.

2. At a minimum, testing for illegal drugs and controlled substances shall be conducted before any person hired for a position defined as safety-sensitive or requiring a CDL shall be allowed to perform the duties of such position. In addition, candidates or employees for such positions may be tested for alcohol.

3. Refusal by an applicant to submit to a pre-employment test shall result in denial of employment.

4. Pre-employment/Pre-placement test results:

   a. Alcohol

      Where alcohol use is detected, employment may be denied.

   b. Legal Drugs

      i. Where use of a prescription drug is detected, applicants may be required to provide documentation confirming the drug has been prescribed by a physician for the applicant, and the amount detected is within the prescribed dosage. If the applicant is unable to provide such proof, employment may be denied.

      ii. Where the applicant’s future or continued use of the drug poses a potential safety risk or would impair job performance, employment may be denied in accordance with the applicable state and federal laws.

   c. Illegal Drugs

      i. Employment shall be denied when the presence of an illegal drug is detected.

      ii. Employment shall be denied when the presence of a known masking agent is detected.
iii. A second direct observation urinalysis test may be required prior to offering employment to an applicant whose drug test evidences the urine sample has been diluted or is outside normal temperature ranges.

B. Reasonable Suspicion Testing

1. When a supervisor has reasonable suspicion that an employee is under the influence of, impaired by, or subject to the effects of alcohol, legal drugs or illegal drugs in violation of this Executive Order, after taking appropriate safety measures (e.g., removing the employee from any situation which may pose a safety risk to the employee, co-workers or the public), the supervisor shall immediately consult with the Agency’s Human Resources representative, Safety Officer or the Employment and Labor Law Section of the City Attorney’s Office to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor to promptly initiate alcohol and/or drug testing. The supervisor shall initiate testing as follows:

   a. Document in writing the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee’s appearance, behavior, speech or body odors that support a reasonable suspicion of alcohol and/or drug use.

   b. When possible, have a second supervisor confirm the specific, contemporaneous, articulable observations of the employee’s appearance, behavior, speech or body odors, and document those observations in writing.

   c. Advise the employee that the supervisor is ordering the employee to go to the testing site for testing.

   d. Escort the employee to the testing site as soon as possible. If the supervisor is unable to escort the employee personally, the supervisor should have another individual escort the employee for testing. The individual selected to escort the employee shall be of a higher grade/rank than the employee being tested. Under no circumstances should the employee be allowed to drive themselves to the testing site.

   e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee number to the testing site.

   f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or the escort should tell the employee that the testing request is a direct order and that refusal to comply with the direct order constitutes grounds for mandatory dismissal. If the employee continues to refuse to go to the testing site or to participate in the testing process, the supervisor should immediately place the employee on investigatory leave and make all reasonable efforts to ensure that the employee is transported home safely.
Executive Order No. 94
Page 7

g. After the initial test results are known, the supervisor should notify the appointing authority or designee of the results and obtain further guidance as needed.

h. If the initial test results indicate that the employee is under the influence of, impaired by, or subject to the effects of alcohol, unauthorized legal drugs or illegal drugs, the supervisor should notify the employee that s/he is being placed on paid investigatory leave and take appropriate steps to ensure that the employee is transported home safely.

i. If the initial test results are invalid or unavailable, or if the testing cannot be conducted for any reason, and the supervisor is reasonably concerned about the employee's ability to perform his or her duties in a satisfactory and safe manner, the supervisor should place the employee on investigatory leave pending results of testing or some other administrative determination, and take appropriate steps to ensure that the employee is transported home safely.

j. If an employee suspected of being impaired by, under the influence of, or subject to the effects of alcohol, unauthorized legal drugs or illegal drugs attempts to drive away from the testing site or worksite, the supervisor or escort should make all reasonable efforts, short of physical force, to prevent the employee from doing so. If the employee does drive away, the supervisor or escort should call 9-1-1 immediately to report the employee as an impaired (or potentially impaired) driver and provide pertinent information to assist police in identifying and locating the vehicle (e.g., make, model and color of the vehicle; license plate number; direction of travel; description of employee) and the reasons for suspecting that the employee is impaired (e.g., the initial test results or basis for reasonable suspicion alcohol and/or drug testing). The supervisor should not attempt to follow the employee's vehicle.

2. During regular OHSC hours, the testing shall be conducted at one of the OHSC testing sites. After regular hours, the supervisor shall page the OHSC alcohol and drug testing personnel to arrange for immediate testing.

3. Testing for alcohol should be administered within two (2) hours of making a reasonable suspicion determination. If this two (2) hour time frame is exceeded, the supervisor should document the reasons the test was not promptly administered. Testing outside of this time frame may only be conducted in consultation with the Employment and Labor Law Section of the City Attorney's Office.

4. Testing for unauthorized legal drugs or illegal drugs should be administered within eight (8) hours of making a reasonable suspicion determination. If this eight (8) hour time frame is exceeded, the supervisor should document the reasons the test was not promptly administered. Testing outside of this time frame may only be conducted in consultation with the Employment and Labor Law Section of the City Attorney’s Office.

5. Supervisors and escorts shall keep the employee's name and identifying information restricted to persons who "need to know."
5. If a supervisor has reasonable suspicion that an employee is in possession of, selling or transferring illegal drugs in violation of this executive order, the supervisor shall contact the police prior to initiating any drug testing.

6. Supervisors who fail to perform their responsibilities under this Section II (B) may be subject to discipline, up to and including dismissal.

C. Post-Accident Testing

1. As soon as practicable following a driving or other workplace accident, the supervisor shall ensure that the involved employee is tested for alcohol and drugs when the accident:
   a. may have been the fault of the employee and involves a fatality;
   b. may have been the fault of the employee and any individual was injured seriously enough to require immediate medical treatment away from the scene of the accident;
   c. may have been the fault of the employee and the accident resulted in disabling damage to any vehicle or any equipment; or
   d. there is reasonable suspicion to test the employee.

2. "Disabling damage" for a vehicle accident is defined as damage that prevents the departure of the vehicle from the scene of an accident in its usual manner, or damage that renders the vehicle illegal to operate. Vehicle damage that can be remedied temporarily at the scene without special tools or parts, i.e., replacing a tire with the spare, taping over an otherwise operable headlight or taillight, or tying down the hood of a car, are not considered disabling. Nonetheless, towing of a vehicle is not required before a supervisor can deem a vehicle “disabled” for purposes of testing.

3. "Disabling damage" for a workplace accident is defined as precluding the use of the equipment from its usual operation. Equipment that can be remedied temporarily at the scene without special tools or parts is not considered disabling.

4. The issuance of a traffic citation is not required before a supervisor can determine an employee “may have been at fault” in a vehicle accident. If a supervisor determines the employee’s actions may have contributed to the accident, or the employee may have been at fault, the “fault” requirement will have been met for purposes of testing.

5. During regular OHSC hours, the testing shall be conducted at one of the OHSC testing sites. After regular hours, the supervisor shall page the OHSC alcohol and drug testing personnel to arrange for immediate testing.

6. Post-accident alcohol and drug testing shall be initiated in accordance with the procedures set forth in Section II (B)(1)(c)-(i) of this Order. Post-accident alcohol and drug testing based solely on reasonable suspicion shall also comply with Section II (B)(1)(a)-(b).
7. Post-accident testing for alcohol should be administered within two (2) hours following the accident. If this two (2) hour time frame is exceeded, the supervisor should document the reasons the test was not promptly administered. Post-accident testing for unauthorized legal drugs and illegal drugs should be administered within eight (8) hours following the accident. Testing outside of these time frames may only be conducted in consultation with the Employment and Labor Law Section of the City Attorney’s Office.

8. Supervisors who fail to perform their responsibilities under this Section II (C), may be subject to discipline, up to and including dismissal.

D. Return to Duty Testing

Employees who have violated the prohibited conduct listed in Sections I (A) or I (C) of this Order shall not return to work unless they have been tested for alcohol and drugs at the OHSC and both tests have been verified as negative.

E. Unannounced Testing

If an employee has been placed on a Stipulation and Agreement in accordance with this executive order, as a part of that Stipulation and Agreement, the employee may be tested for alcohol and/or drugs by the agency without prior notice of the testing date or time for at least 36 months from the last date in time that the stipulation and agreement is signed by the parties.

F. Random Testing

The City may implement, with the City Attorney's approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the City or any of its agencies.

G. Commercial Driver’s License (CDL) Testing

For those positions requiring a CDL, the City is required to implement alcohol and drug testing in accordance with applicable DOT regulations, as may be amended from time to time. Such testing is in addition to the testing described in Sections II (B) and (D) of this Order.

1. Pre-Employment Testing

Prior to the first time a driver performs safety-sensitive functions for the City or any of its agencies, the driver shall be tested for illegal drug usage in compliance with the DOT and state regulations, as may be amended from time to time.

2. Reasonable Suspicion Testing

The procedures described in Section II (B) of this Order shall be followed.
3. **Post-Accident Testing**

   a. As soon as practicable following an accident, the supervisor shall ensure that the vehicle driver is tested for alcohol when:

      i. the accident involved the loss of human life;

      ii. the vehicle driver was cited for a moving violation arising from the accident within 8 hours of its occurrence and an individual was injured seriously enough to receive immediate medical treatment away from the scene of the accident;

      iii. the vehicle driver was cited for a moving violation arising from the accident within 8 hours of its occurrence and one or more of the vehicles involved in the accident sustained “disabling damage” as defined in Section II (C)(2) and (3) in this Order; or

      iv. there is reasonable suspicion to test the employee.

   b. As soon as practicable following an accident, the supervisor shall ensure that the vehicle driver is tested for drugs when:

      i. the accident involved the loss of human life;

      ii. the vehicle driver was cited for a moving violation arising from the accident within 32 hours of its occurrence and an individual was injured seriously enough to receive immediate medical treatment away from the scene of the accident;

      iii. the vehicle driver was cited for a moving violation arising from the accident within 32 hours of its occurrence and one or more of the vehicles involved in the accident sustained “disabling damage” as defined in Section II (C)(2) and (3) in this Order; or

      iv. there is reasonable suspicion to test the employee.

   c. Post-accident testing for alcohol should be administered within two (2) hours following the accident. If a required alcohol test is not administered within two (2) hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

   d. If the supervisor does not initiate alcohol testing within eight (8) hours of the accident or drug testing within thirty-two (32) hours of the accident, the supervisor shall cease attempts to administer the tests and shall prepare and maintain on file a record stating the reasons the test was not administered within these established time frames. Supervisors who do not perform their responsibilities under this Section II (G) (3) may be subject to discipline, up to and including dismissal.
4. **Random Testing**

   a. **Alcohol**

      Pursuant to the DOT regulations, random alcohol testing shall be conducted annually on 25% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing shall be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.

   b. **Illegal Drugs**

      Pursuant to the DOT regulations, random drug testing shall be conducted annually on 50% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Drug testing shall be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. **Return to Duty Testing**

   a. **Alcohol**

      If an employee has violated the prohibited conduct listed in Section I (A) of this Order, the employee shall not return to perform safety-sensitive duties unless the employee has completed a successful return to duty alcohol test.

   b. **Illegal Drugs**

      If an employee has violated the prohibited conduct listed in Section I (C) of this Order, the employee shall not return to perform safety-sensitive duties unless the employee has been cleared by a Substance Abuse Professional and has completed a successful return to duty drug test.

6. **Follow-Up Testing**

   a. **Alcohol**

      i. The number and frequency of the follow-up alcohol tests shall be directed by the Substance Abuse Professional and shall consist of at least six (6) tests in the first twelve (12) months following the employee's return to work.

      ii. Follow-up testing shall be unannounced and shall be conducted just before, during or just after the employee performed safety-sensitive functions.
b. **Illegal Drugs**

i. The number and frequency of the follow-up drug tests shall be directed by the Substance Abuse Professional and shall consist of at least six (6) tests in the first (12) twelve months following the employee’s return to work.

ii. Follow-up testing shall be unannounced. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

H. **Members of the Classified Service of the Police and Fire Departments and Deputy Sheriffs Testing**

For those employees who are members of the Classified Service of the Police and Fire Departments or Deputy Sheriffs, the City may implement drug testing pursuant to their respective department procedures, as may be amended from time to time, in addition to the testing described in Sections II (A) through (G) of this Order.

III. **EXECUTIVE ORDER 94 TRAINING**

A. **All City Employees**

All new City employees (including fellows, interns, and on-call employees) should be trained on this executive order during their first year of employment. Training, at a minimum, should include study of the prohibitions contained in this executive order and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of this executive order should be given to each employee with each employee acknowledging, in writing, receipt of the executive order and the training.

B. **All Employees with Supervisory Duties**

1. All employees with supervisory duties should be trained on this executive order during the first six (6) months following their hire or promotion. This training, at a minimum, should include instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor's reasonable suspicion, and the supervisor's responsibility for escorting employees to the testing sites and through the testing process.

2. Supervisors shall ensure that all drug and alcohol tests are accomplished immediately after the justification for testing is established. Timeliness for testing is outlined in this executive order and its addendum. Further, once a supervisor has reasonable suspicion that an employee appears to be under the influence of alcohol or drugs, or is informed that the employee has initially tested positive for drugs and/or alcohol, the agency cannot condone the employee's driving of a motor vehicle. If the employee drives off in his/her own or a City vehicle, the Police Department must be notified immediately by a supervisor on duty, or a designee. Supervisors may designate another employee to escort an employee to testing or evaluation sites. The supervisor shall educate the individual on the duties of the escort as provided herein prior to allowing that individual to escort the employee.
3. Supervisors are subject to discipline for failing to fulfill the responsibilities set forth for supervisors in this Order, up to and including dismissal. Such failure by the supervisor does not, in any way, excuse the employee's violation of this executive order or mitigate the agency's disciplinary action against the employee.

**CAUTION:** No physical force may be used against an employee to enforce any direct order or requirement under this executive order. The employee must be advised that noncompliance with a supervisor's order will be viewed as refusal to obey the order of a supervisor and constitute grounds for mandatory dismissal.

**CAUTION:** Supervisors are to restrict communications concerning possible violations of this executive order to those persons who are participating in the evaluation, investigation or disciplinary action and who have a "need to know" about the details of the drug/alcohol evaluation, investigation and disciplinary action. This expectation of confidentiality includes not mentioning the names of employees who are suspected of, or disciplined for, violating this executive order.

### IV. DISCIPLINARY ACTIONS

**A.** If it is determined after the appropriate pre-disciplinary meeting that any of the following situations apply, the employee shall be dismissed even for a first-time violation of this executive order:

1. Members of the Classified Service of the Police and Fire Departments or Deputy Sheriffs that violate their respective departments' prohibitions regarding illegal drugs and alcohol, except as follows:
   
   a. Employees of the Classified Service, and Deputy Sheriffs who disclose prior on-duty alcohol use, or off-duty illegal drug use, as a means for seeking treatment may, at the discretion of the Executive Director of Safety or his/her designee, be suspended in lieu of termination and placed on a Stipulation and Agreement.

2. Safety-sensitive members of the Department of Aviation that violate their department's prohibitions regarding alcohol or drug use;

3. The employee has endangered the lives of others, or foreseeably could have endangered the lives of others;

4. The employee refuses to submit to any testing under this executive order including, but not limited to, pre-placement, reasonable suspicion, random, post-accident, return to duty, follow-up or unannounced testing;

5. The employee uses, or attempts to use, a masking agent to alter the sample and/or drug and/or alcohol test results, or uses or attempts to use any other deceptive means to alter the sample and/or drug and/or alcohol test results, including but not limited to, use or attempted use of another person’s urine;
6. The employee is required to have a CDL license and either drove/operated a City vehicle or equipment or was only prevented from driving/operating a City vehicle or equipment by the agency’s instruction to submit to testing under this executive order;

7. The employee's disciplinary history compels dismissal as a matter of progressive discipline;

8. The employee has refused to enter into a Stipulation and Agreement;

9. The employee has violated the Stipulation and Agreement;

10. The employee violates this executive order for the second time in the employee’s career with the City and County of Denver and/or its agencies.

11. The employee possesses and/or uses illegal drugs while on duty.

B. A first-time violation of the alcohol and drug prohibitions contained in Sections I (A) and I (C) of this executive order, which does not result in a dismissal pursuant to Section IV (A), shall result in a lesser disciplinary action in conjunction with a Stipulation and Agreement for treatment.

1. The presumptive disciplinary action shall be a suspension of 30 days in conjunction with a Stipulation and Agreement. No lesser or greater disciplinary action shall be imposed without the approval of the City Attorney’s Office.

C. The level of discipline to be imposed on an employee for driving under the influence of or impaired by alcohol or drugs (DUI/DWAI) offenses not otherwise prohibited by this Executive Order shall be within the discretion of the appointing authority or designee, except that the minimum discipline imposed shall be above the level of a written reprimand. Factors to be considered in determining the level of discipline should include whether the employee has prior DUI/DWAI offenses; the circumstances surrounding the offense; any harm caused by the employee’s actions; whether the employee’s actions violated other rules, regulations, policies or laws; the nature of the employee’s position; and the employee’s work and disciplinary history. The appointing authority or designee may offer the employee lesser disciplinary action (above the level of written reprimand) in conjunction with a Stipulation and Agreement.

D. The level of discipline to be imposed for any other violation of this executive order shall be within the discretion of the appointing authority or designee.

E. Stipulation and Agreements

1. Employee assistance counselors provided by the City and County of Denver, or such other substance abuse professional(s) as may be designated, shall conduct an evaluation of the employee and create a treatment plan.

2. Each such agreement shall be in writing and approved by the City Attorney’s Office. The City shall offer no employee more than one such agreement during his or her employment with the City.
3. Employees who participate in an inpatient treatment plan may be eligible for FMLA leave.

4. Employees who participate in an inpatient treatment plan shall be allowed to use one (1) day per month of accrued paid leave, if any, to assure continued health coverage.

V. MISCELLANEOUS PROVISIONS

A. Driver’s License

It is the responsibility of employees required to drive as part of their assigned duties or job specifications to report to their appointing authority any loss of a driver's license or the restriction of driving privileges, no later than the beginning of the employee's next scheduled shift. Every employee who is required to drive, as part of their assigned duties or job specifications, shall certify that they have a current valid driver's license in accordance with Executive Order 25 as may be amended from time to time.

B. Searches

1. Before any search is conducted, supervisors should contact the City Attorney's Office, Employment and Labor Law Section, for guidance.

2. Management has the right to search City-owned property utilized by employees, e.g., a desk, storage cabinet or City vehicle, when necessary for a non-investigatory work-related purpose such as retrieving a needed file. Additionally, management may search City-owned property utilized by employees, e.g., a desk, file cabinet, locker, or City vehicle, for investigatory purposes based on reasonable suspicion that evidence of misconduct will be found. Management may not search an employee's personal property, e.g., their personal vehicle parked on City property, lunch boxes, briefcases, purses, and backpacks, unless the employee voluntarily consents to such a search.

C. Contracts

1. The prohibitions and responsibilities contained in this Executive Order are applicable to contract personnel. Violation of these provisions or refusal to cooperate with implementation of the executive order can result in the City's barring contract personnel from City facilities or from participating in City operations.

2. All City contracts shall contain language informing contractors doing work for the City about this Executive Order.

D. Employee Assistance and Department of Safety Psychologists

The City maintains an Employee Assistance Program (EAP) and provides Department of Safety psychologists who offer help to employees who are coping with alcohol, or drug use, or other personal or emotional issues. It is the responsibility of each employee to seek help
from the EAP, Department of Safety psychologist or other appropriate health care professionals before alcohol and drug use leads to disciplinary actions.

E. Memorandum to this Order

The City Attorney shall have the authority to amend definitions and drug testing cut-off levels contained in this executive order’s Memorandum, from time to time, not to be inconsistent with Colorado statutes and/or the DOT regulations, without obtaining signatures of the Mayor or City Council. For purposes of this executive order, all references to Agency head, Department head or appointing authority will also include the designee of the Agency head, Department head or appointing authority.
Executive Order No. 94
Page 18

MEMORANDUM NO. 94A

TO:       All Agencies Under the Mayor
FROM:    Mayor Michael B. Hancock
DATE:    June 1, 2020
SUBJECT:   STATUTORY PROVISIONS

This memorandum to Executive Order 94 was originally referred to as an addendum, effective April 10, 1989, amended April 13, 1999, January 10, 2000, March 1, 2000, March 15, 2001 and is hereby continued in effect as amended and retitled as a memorandum this June 1, 2020. This Memorandum No. 94A shall be attached to and become a part of Executive Order 94, dated, June 1, 2020, subject "City and County of Denver Employees' Alcohol and Drug Policy."

I.  ALCOHOL PROVISIONS

A.  Under the Colorado statutes, as may be amended from time to time, "impaired by alcohol" is defined as having 0.05 grams of alcohol (per two hundred ten liters of breath or per one hundred milliliters of blood), but less than 0.08 grams of alcohol. Under the "influence of alcohol" is defined as having 0.08 or more grams of alcohol (per two hundred ten liters of breath or per one hundred milliliters of blood).

B.  Under the DOT regulations, as may be amended from time to time, "under the influence of alcohol" is defined as having 0.04 percent alcohol concentration, or more; as prescribed by state law; or in the event of refusal to undergo such testing as is required by the state or jurisdiction.

DOT regulations, as may be amended from time to time, state that post-accident alcohol testing should be administered within two (2) hours following the accident, but must be administered within eight (8) hours following the accident. These DOT time frames shall also apply to testing under the Executive Order unless otherwise specified within this Order.

II. ILLEGAL DRUG PROVISIONS

A.  Illegal drugs, include controlled substances, as defined in Colorado Revised Statutes, and under federal law.

B.  "Subject to the effects of an illegal drug" is to be determined consistent with the confirmation test levels established by the DOT regulations, 49 CFR Part 40 § 40.87, as may be amended from time to time:

Marijuana metabolites --------------------------------- 15 ng/ml
Cocaine metabolite ---------------------------------- 100 ng/ml
Opiates:
  Morphine--------------------------------------------- 2,000 ng/ml
  Codeine--------------------------------------------- 2,000 ng/ml
  6-Acetylmorphine---------------------------------- 10 ng/ml
  Hydrocodone/Hydromorphone------------------------ 100 ng/ml
  Oxycodone/Oxymorphone----------------------------- 100 ng/ml
  Phencyclidine-------------------------------------- 25 ng/ml
Amphetamines:

- Amphetamine: 250 ng/ml
- Methamphetamine: 250 ng/ml
- MDMA/MDA: 250 mg/ml

DOT regulations, as may be amended from time to time, state that post-accident drug testing should be administered within eight (8) hours following the accident, but must be administered no later than thirty-two (32) hours after the accident. These DOT time frames shall also apply to testing under this Executive Order unless otherwise specified within this Order.
EXECUTIVE ORDER NO. 112

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: July 23, 2018

SUBJECT: Violence in the City Workplace

Purpose: This Executive Order establishes the policy and procedures to be followed by departments and agencies regarding violence involving employees of the City and County of Denver. The purpose of this Executive Order is to reduce the risk of all forms of violence that impact the workplace. Former Executive Order 112, "Violence in the Workplace," dated October 30, 2006, is hereby cancelled and superseded by this Executive Order No. 112, Violence in the City Workplace, dated, July 23, 2018.

1.0 Applicable Authority: The applicable authority relevant to the provisions and requirements of this Executive Order No. 112, are found in Section 2.2.10 (A) & (C) of the Charter of the City and County of Denver, 2013 revised.

2.0 Policy: Violence has no place in any of the City and County of Denver's work locations or at any City-sponsored event, and is strictly prohibited. Moreover, violence committed by employees of the City and County of Denver, whether on-duty or off-duty, reflects poorly on the City and County of Denver and is strictly prohibited. A common form of violence is domestic or family violence, which also is strictly prohibited when the City's employees are the perpetrators of such violence.

Domestic and Family Violence: The City shall endeavor to prevent and reduce the effects of domestic and family violence in the workplace. There are at least four ways domestic and family violence can impact the workplace: (1) a perpetrator of domestic or family violence is employed by the City; (2) a victim of domestic or family violence is employed by the City; (3) an act of domestic or family violence occurs in a City work location or at a City-sponsored event, or (4) an act of domestic or family violence is committed through use of City equipment or property (e.g., phone, computer, car) to harass, threaten, disturb, or intimidate another individual. The City is committed to providing support to victims of domestic and family violence as appropriate, and not tolerating perpetrators of domestic and family violence.
Bringing any kind of weapon to a City work location or a City-sponsored event is strictly prohibited, unless an employee is required to carry a weapon as part of his/her City position. This prohibition includes the possession of weapons in violation of federal, state, or local law.

City employees who perpetrate violence, whether on-duty or off-duty, or who bring a weapon to a City work location or a City-sponsored event, or otherwise violate this Executive Order may be subject to disciplinary action, up to and including dismissal, and possible criminal action. The failure of a managerial or supervisory employee to comply with or enforce this Executive Order may result in disciplinary action against the manager or supervisor, up to and including dismissal.

City employees who violate a valid court order issued by any court of record within the United States of America that prohibits conduct, limits physical movement, or regulates child custody, or who otherwise violate this Executive Order may be subject to disciplinary action, up to and including dismissal, as well as possible criminal action. For an employee to be found in violation of this Executive Order for violating a court order, the agency must possess information that the employee was personally served with such order or otherwise acquired from the court actual knowledge of the contents of any such order.

Examples of unacceptable behavior prohibited by this Executive Order include, but are not limited to, the following:

a. Intimidating, threatening or hostile behaviors, physical assault, vandalism, arson, sabotage, unauthorized use of weapons, bringing weapons onto City property (unless authorized as part of one's job, e.g., a police officer or deputy sheriff) or other acts of this type which are clearly inappropriate in the workplace or which reflect poorly on the City when committed off-duty or outside of the workplace.

b. Jokes or comments regarding violent acts, which are reasonably perceived to be a threat of harm.

c. Encouraging others to engage in behaviors prohibited by this policy.

d. Use of any City property (e.g., phone, computer, agency letterhead, etc.) at any time to harass, threaten, disturb, or abuse someone including a person with whom there is an "intimate relationship" as defined below, or who is a family member.

e. Intimidating, threatening, assaulting, harassing, disturbing, or abusing any
City employee or person, including any such person with whom there is an "intimate relationship" as defined below, or who is a family member.

f. Any retaliation against a person who reports, initiates a complaint or makes an inquiry about behaviors that may violate this Executive Order.

g. Any act of domestic violence or family violence that results in the issuance of a permanent Protection Order or a criminal charge or conviction under federal, state, or local law.

3.0 Definitions:

Violence is defined as, but not limited to:

(a) the actual or attempted: physical assault, beating, improper touching, striking, shoving, kicking, grabbing, stabbing, shooting, punching, pushing, rape, use of a deadly weapon; or

(b) the actual or attempted: threatening or abusive behavior (physical or verbal), intimidation, harassment, obscene or harassing telephone calls or electronic communications, (including, but not limited to, text messages, emails, or social media posts), shouting at, restricting one’s physical movement, stalking.

Domestic violence is defined as an act or threatened act of violence upon a person with whom the perpetrator is or has been involved in an intimate relationship, meaning a relationship between current or former spouses; unmarried couples who: live together or previously lived together, are or were engaged to be married, or are dating or previously dated; or who are parents of the same child, regardless of whether they have been married or lived together at any time.

Family violence is defined as an act or threatened act of violence upon a person with whom the perpetrator is or has been related to by blood or marriage, including but not limited to the perpetrator’s parents, grandparents, siblings, in-laws, children, and grandchildren.

Weapon is defined as a device, instrument, material or substance used for, or which can cause death or bodily injury, or damage to property. Weapons include, but are not limited to: an explosive or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun, a firearm silencer, stun gun (commonly known as a Taser), a switchblade knife or any other type of knife, brass knuckles, or any other implement for infliction of bodily injury or damage to
property, which has no common lawful purpose. Pocket knives or knives used solely for eating, food preparation or food distribution, are not considered "weapons" for purposes of this Executive Order unless used to inflict bodily injury or damage to property.

4.0 **Disciplinary Action:** Any violation of this policy by employees, including a first offense, may result in disciplinary action, up to and including dismissal. Failure of a supervising employee to comply with or enforce a violation of this policy may result in disciplinary action against the supervisor, up to and including dismissal. Any deliberate, unwarranted allegations of a violation of this policy may be viewed as an attempt to disrupt city operations and may result in disciplinary action.

5.0 **Limitation on Liability:** The provisions contained in this Executive Order do not create or constitute any contractual rights between or among the City and County of Denver, its employees and any third party. This Executive Order is intended to set forth the policy of the City and County of Denver, without creating additional liability against the City.

6.0 **Memorandum Attachments:** The procedure(s) for implementing this Executive Order shall be defined by Memorandum Attachments to the Executive Order, which shall become a part of the Executive Order. Further, the City Attorney's Office is responsible for the content of this Executive Order and shall have the authority to issue policy and procedure Memorandum Attachments relative to this Executive Order through the Executive Order Committee.
MEMORANDUM NO. 112A

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: July 23, 2018

SUBJECT: Agency/Management Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, July 23, 2018 subject "Violence in the City Workplace."

Purpose: The impact of violence on the work environment can occur in numerous ways. For example, if the employee is a perpetrator of domestic or family violence s/he may use work time on the job to harass or stalk the victim. This employee may also require work coverage due to court appearances or incarceration. If the employee is a victim of domestic or family violence, the employee may be harassed at work through unwanted telephone calls, emails, texts, and/or visits from the perpetrator. Extensive absenteeism (from abuse or court appearances) and/or tardiness (abusers will often make victims late for work as a part of his/her control) can also occur. The abuser may call and harass co-workers or the victim's supervisor, in an attempt to locate the victim or have the victim terminated. If both the victim and abuser work for the City, the perpetrator may have easier access to the victim and use that ability to harass, abuse, embarrass, and/or retaliate against the victim.

1.0 Management Responsibility – When an Incident of Workplace Violence Occurs or is Imminent - Emergency Situation:

Every manager and supervisor is responsible for the following upon becoming aware or receiving notice that an act of violence or other violation of this Executive Order is occurring or about to occur in the workplace which is reasonably believed to present an emergency situation:

   a) Call 9-1-1 if immediate intervention is or may be necessary to prevent death or bodily injury, or damage to property. Do not try to physically intervene unless reasonably necessary to protect someone from imminent death or bodily injury.

   b) Notify building security and follow any necessary safety measures.

   c) Inform any personnel who may be in direct or indirect danger of the situation and direct them to leave their work area if there is pending danger.
d) Unless the victim refuses or the perpetrator has been arrested, have the police or security escort the victim to his/her vehicle or other mode of transportation when the victim leaves work.

e) Seek medical assistance for any victim (or perpetrator) who is injured or ill.

f) When the situation is no longer an emergency, follow the steps listed in Section 2.0 below as appropriate to the circumstances.

2.0 Management Responsibility - When Violence or Other Violation of this Executive Order in the Workplace Occurs or is Threatened in a Non-Emergency Situation:

Every manager or supervisor who is aware of or notified that an act of violence or violation of this Executive Order has occurred or has been threatened that is not reasonably believed to present an emergency situation should take the following steps:

a) Inquire if the alleged victim is injured or in any perceived danger or in fear of any sort of retaliation by the abuser. If appropriate, seek medical assistance for the victim, contact law enforcement, and/or take reasonable steps to ensure the victim's safety until other measures can be taken.

b) Notify higher level supervisors or managers and a human resources representative of the incident.

c) Refer the matter to law enforcement or human resources personnel for an investigation as appropriate. Do not question or interview the alleged perpetrator or the alleged victim about the incident without first contacting the agency’s human resources representative or the Employment Law Section of the City Attorney’s Office for guidance.

d) Consider whether a protective order should be obtained by the agency pursuant to C.R.S. §13-14-101, et. seq. Contact the City Attorney's Employment Law Section for guidance and assistance regarding a protective order.

e) If appropriate, suggest that the victim contact the City’s employee assistance provider (currently Guidance Resources), the City Attorney’s Victim Resource Program, the Rose Andom Center (a facility dedicated to assisting victims of domestic violence), or the Victim’s Assistance Unit of the Denver Police Department (or other appropriate local law enforcement agency) for appropriate referrals, safety planning, counseling, information on domestic or family violence, information
regarding criminal charges resulting from the violence, and support services. Below is the current contact information for the providers/resources identified above:

Guidance Resources: **877-327-3854**
City Attorney’s Victim Resource Program: **720-913-8020**
Rose Andom Center: **720-337-4400**
DPD’s Victim’s Assistance Unit: **720-913-6035**
City Attorney’s Employment Law Section: **720-913-3125**

f) If the victim employee has met with a victim’s assistance program and a safety plan is created for the workplace, the supervisor should review the safety plan and institute any necessary and appropriate changes that are practicable within the workplace.

g) Maintain confidentiality regarding the incident unless there is concern about the welfare and safety of others, or unless the agency is legally required to disclose the information. Share information about a workplace violence incident only on a need to know basis. Contact the City Attorney’s Office’s Employment Law Section or the City Attorney’s Victim Resource Program for guidance.

h) If appropriate to the circumstances, offer flexibility in the employee’s work schedule, change in telephone extension (unless it is the agency’s main phone line), and/or screening of phone calls, and if possible a change in work station location.

i) Notify security if the perpetrator is harassing the victim while at work or causing problems for the agency. If possible, provide a picture of the perpetrator to security or local law enforcement notifying them of the current situation. Be sure to also provide security or local law enforcement with copies of any protective orders.

j) Honor all protective orders issued by a court. If the perpetrator violates the victim’s protective order, encourage the victim to call the police. If the perpetrator violates the agency’s protective order notify the police immediately, and contact the Employment Law Section of the City Attorney’s Office.

k) If the victim is in need of time off to take care of issues that may arise due to the abusive situation, and has accrued leave, all accommodations should be made to allow the victim to take the necessary time off. By law, the supervisor is required in some circumstances to authorize up to three days leave even if the victim has no accrued leave (C.R.S. §24-34-402.7). If no
leave is available to the victim, the agency shall authorize leave without pay pursuant to Career Service Rule 11. The law also prohibits an employer from penalizing certain victims of domestic violence from taking up to three days leave, paid or unpaid, to get a restraining order, obtain medical care or counseling, locate safe housing, or prepare for or attend legal proceedings. In addition, the City encourages supervisors and managers to support employees who are victims of domestic violence by allowing them to adjust their work schedules and/or providing them with paid or unpaid leave beyond the three days as needed so that they can obtain necessary medical care, counseling, or legal assistance.

l) Continue to check in with the employee as appropriate and ask that s/he keep you informed of any developments that may impact his/her work or the workplace.

m) Treat alleged victims with respect and compassion. Treat alleged perpetrators fairly.

n) Follow any internal agency procedures enacted to address workplace violence issues.

o) Document what actions were taken by the agency in response to the incident.

3.0 **Management Responsibilities: If a Supervisor Learns or Suspects that an Employee is Being Abused Outside of the Workplace.**

Every manager or supervisor who learns or suspects that an employee is being abused at home or otherwise outside of the workplace is responsible for the following:

a) Do not ignore the situation. Talk to the employee about your concerns following the guidelines below or contact a human resources representative for guidance and assistance.

b) When talking to an employee who you suspect may be a victim of domestic abuse, ask simple and direct questions such as “is someone hurting you at home?” or “how did you get those bruises?” Do not exert pressure on the employee to disclose the possible abuse or the identity of the abuser. Be sure to express concern and support for the employee, and let him or her know that you are one of many resources available if needed. Consider calling the City’s employee assistance provider (currently Guidance Resources), the City Attorney’s Victim Resource Program, the Rose Andom Center (a facility dedicated to assisting victims of domestic violence) or the Denver Police Department’s Victim’s Assistance Unit (or other appropriate local law enforcement agency) for guidance on what to ask or say under these sensitive
circumstances. Contact information for these providers is listed above in Section 2.0.

c) Do not give the employee advice about the abusive relationship or steps the employee should take to address the abuse, and do not express or demonstrate frustration with the employee’s actions or inactions. Do not make critical comments about the perpetrator or impose requirements on the employee or the perpetrator that may put the employee at greater risk.

d) Document your concerns and what actions were taken.

e) If you have questions about related court proceedings or the process for obtaining a restraining order on behalf of the agency, call the Employment Law Section of the City Attorney’s Office or the City Attorney’s Victim Resource Program for assistance.

f) Follow other applicable guidelines set forth in Section 2.0 of this Section.

4.0 Management Responsibilities: If a Supervisor Learns or Suspects that an Employee is the Perpetrator of Abuse:

Every manager or supervisor who learns or suspects that an employee has engaged in an act of violence or otherwise violated this Executive Order, or is the subject of a restraining order or been arrested, charged or convicted of a crime of violence, including domestic or family violence, is responsible for the following:

a) Contact law enforcement if a crime may have been committed that has not been reported.

b) Consider placing the employee on investigatory leave pending the outcome of any criminal proceedings and/or the investigation of a violation of this Executive Order. Contact the agency’s human resources representative or the Employment Law Section of the City Attorney’s Office for advice on appropriate steps.

c) Do not question or interview the alleged perpetrator or the alleged victim about the incident without first contacting the agency’s human resources representative or the Employment Law Section of the City Attorney’s Office for guidance regarding any investigative steps that may need to be conducted.

d) Impose discipline for any violations of the Executive Order, the Career Service Rules, or other City or agency policies, up to and including dismissal.
e) If an employee is the subject of a restraining order, or is arrested or charged with a crime of violence, including domestic or family violence, the supervisor should notify the employee of his/her responsibility to keep the agency informed of the outcome of his/her case. If the employee is charged or convicted of the crime, disciplinary action should be considered, and taken, if appropriate.

f) If domestic violence counseling is required as a part of any disciplinary actions, the treatment provider must be state approved to provide domestic violence counseling. The Domestic Violence Offender Management Board website provides an up-to-date list of state-approved domestic violence treatment providers.

g) Always maintain that there is no excuse for violence.

h) Document all instructions given to the employee and all actions taken with regard to the potential violation of this Executive Order.
MEMORANDUM NO. 112B

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: July 23, 2018

SUBJECT: Employee Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, July 23, 2018 subject "Violence in the City Workplace."

1.0 Employee Responsibility – When an Incident of Workplace Violence Occurs or is Imminent - Emergency Situation:

Every employee who is aware of or learns that an act of violence or violation of this Executive Order is occurring or about to occur in the workplace is responsible for the following immediate steps:

a) Call 9-1-1 if there is an immediate emergency. Do not try to physically intervene unless reasonably necessary to protect someone from imminent death or bodily injury. Make every attempt to remove yourself from the dangerous situation as quickly as possible.

b) If possible, immediately call 9-1-1 and notify a supervisor and/or building security.

c) If possible, notify other personnel who may be in direct or indirect danger.

2.0 Employee Responsibility – When Violence or Other Violation of this Executive Order in the Workplace Occurs or is Threatened in a Non-Emergency Situation:

Every employee who is aware of or learns that an act of violence or violation of this Executive Order has occurred or been threatened that is not reasonably believed to present an emergency situation is responsible for the following:

a) Promptly notify his/her supervisor or other agency manager, the agency’s safety coordinator or a human resources representative.

b) Cooperate in any investigation that may be undertaken.

c) Respect the privacy of co-workers and others involved in a violence incident.
d) Promptly report to his/her immediate supervisor if the employee learns or suspects that a co-worker is the subject of a restraining order or has been charged with a crime, or otherwise has any pending criminal charges against him or her.

3.0 Employee Responsibility - If an Employee Learns or Suspects that a Co-Worker is being Abused Outside of the Workplace:

Every employee who learns or suspects that another employee is being abused outside of the workplace is responsible for the following:

a) Notify a supervisor or a human resources representative of your concerns or talk to the co-worker directly and, if appropriate, suggest s/he speak to a supervisor or manager, a human resources representative, the City’s employee assistance provider (currently Guidance Resources), the City Attorney’s Victim Resource Program, the Rose Andom Center (a facility dedicated to assisting victims of domestic violence), or the Denver Police Department’s Victim’s Assistance Unit (or other appropriate local law enforcement agency) for assistance and guidance. Below is the current contact information for the resources identified above:

Guidance Resources: 877-327-3854  
City Attorney’s Victim Resource Program: 720-913-8020  
Rose Andom Center: 720-337-4400  
DPD’s Victim’s Assistance Unit: 720-913-6035

b) If the co-worker denies being abused, or acknowledges being abused but declines to report the abuse or speak with the resources identified above, consider reporting your concerns and the co-worker’s response to a supervisor or a human resources representative. Do not exert pressure on the co-worker to acknowledge the abuse or identify the perpetrator.

c) If the co-worker reports that the perpetrator may try to harm him or her at work or may harm other employees, family members, or other individuals, report this information immediately to a supervisor or human resources representative.

4.0 Employee Responsibility – If the Employee is a Victim or Alleged Perpetrator of Violence or Abuse, or is the Subject of a Protective Order or is Charged with a Crime of Violence.

a) An employee who is a victim of violence in the workplace or of domestic or family violence is encouraged to report the incident or abuse to his/her supervisor or a human resources representative. An employee who obtains a protective order against another employee is required to report such information to his/her supervisor or a human resources representative. An employee who obtains a
protective order against a person who is not a City employee is encouraged to report such information to his/her supervisor, the agency's safety officer, or a human resources representative.

b) An employee who is the subject of a Protective Order must report such information to his/her immediate supervisor as soon as possible, but no later than three (3) calendar days after the employee is first notified of the Protective Order. The employee must also keep his/her immediate supervisor apprised of the status of the Protective Order and all related court proceedings. An employee who is the subject of a Protective Order issued on behalf of another City employee must abide by all restrictions that may be put in place to prevent any intentional or unintentional violations of the Protective Order from occurring in the workplace.

c) An employee who is charged with a crime of violence, including a crime of domestic or family violence, must report such information to his/her immediate supervisor as soon as possible, but no later than three (3) calendar days after the date of arrest. The employee must also keep his/her immediate supervisor apprised of the status of the criminal case, including advanced notice of court proceedings that the employee is required to or may attend.