LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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Table of Contents

Law Enforcement Code of Ethics. 1

Chapter 1 - Law Enforcement Role and Authority. 8

100 - Law Enforcement Authority. 9
101 - Chief Executive Officer. 11
102 - Oath of Office. 12
103 - Policy Manual. 13
104 - Discriminatory Harassment. 16

Chapter 2 - Organization and Administration. 21

200 - General Orders and Numbered Memoranda. 22
201 - Emergency Management Plan. 23
202 - Training. 24
203 - Travel and Training Reimbursement. 27
204 - Cash Handling. 30
205 - Electronic Mail. 33
206 - Administrative Communications. 35
207 - Supervision Staffing Levels. 38
208 - Concealed Handgun Permit. 39
209 - Retiree Concealed Firearms. 43
210 - Complaints. 48
211 - Administrative Investigations. 52
212 - Findings and Discipline. 56

Chapter 3 - General Operations. 61

300 - Use of Force. 62
301 - Handcuffing and Restraints. 70
302 - Control Devices and Techniques. 75
303 - Conducted Energy Device. 81
304 - Officer-Involved Shootings. 87
305 - Deputy Response to Calls. 95
306 - Canine Program. 99
307 - Domestic Violence. 109
308 - Search and Seizure. 114
309 - Temporary Custody of Juveniles. 116
310 - Adult Abuse. 124
311 - Child Abuse. 129
312 - Missing Persons. 137
313 - Public Alerts. 147
314 - Victim and Witness Assistance. 152
315 - Bias-Motivated Crimes. 157
316 - Report Preparation. 160
317 - Media Relations. 165
318 - Subpoenas and Court Appearances. 169

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319 - Reserve Deputies. 175
320 - Mutual Aid and Outside Agency Assistance. 179
321 - Registered Offender Information. 181
322 - Death Investigation. 185
323 - Identity Theft. 188
324 - Private Persons Arrests. 190
325 - Limited English Proficiency Services. 192
326 - Communications with Persons with Disabilities. 200
327 - Pupil Arrest Reporting. 209
328 - Chaplains. 210
329 - Child and Dependent Adult Safety. 214
330 - Service Animals. 218
331 - Volunteers. 220
332 - Native American Graves Protection and Repatriation. 227
333 - Off-Duty Law Enforcement Actions. 229
334 - Extreme Risk Protection Orders. 231
335 - Generative Artificial Intelligence Use. 232
336 - Firearms Use. 236
337 - Firearms, Equipment, and Ammunition. 240
338 - Inspection and Maintenance of Firearms. 246
339 - Vehicle Pursuits. 250

Chapter 4 - Patrol Operations. 260

400 - Patrol Function. 261
401 - Gun Legislation Standards. 264
402 - Bias-Based Policing. 265
403 - Crime and Disaster Scene Integrity. 268
404 - Weld County Regional SWAT Team. 270
405 - Ride-Alongs. 280
406 - Hazardous Material Response. 283
407 - Hostage and Barricade Incidents. 286
408 - Response to Bomb Calls. 291
409 - Summons Releases. 295
410 - Foreign Diplomatic and Consular Representatives. 297
411 - Rapid Response and Deployment. 304
412 - Reporting Law Enforcement Activity Outside of the Jurisdiction. 307
413 - Immigration Violations. 308
414 - Emergency Utility Service. 311
415 - Patrol Rifles. 312
416 - Aircraft Accidents. 314
417 - Field Training Officer Program. 318
418 - Civil Commitments. 321
419 - Obtaining Air Support Assistance. 324
420 - Contacts and Temporary Detentions. 325
421 - Criminal Intelligence. 331
422 - Shift Commanders. 340
423 - Mobile Data Terminal Use. 341

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424 - Portable Audio/Video Recorders. 344
425 - Body Worn Camera Program. 347
426 - Medical Marijuana. 356
427 - Foot Pursuit Policy. 361
428 - Automated License Plate Readers (ALPR). 366
429 - Homeless Persons. 368
430 - Public Recording of Law Enforcement Activity. 371
431 - Suspicious Activity Reporting. 374
432 - First Amendment Assemblies. 376
433 - Civil Disputes. 382
434 - Medical Aid and Response. 384

Chapter 5 - Traffic Operations. 389

500 - Traffic Function and Responsibility. 390
501 - Traffic Accident Response and Reporting. 393
502 - Vehicle Towing and Release Policy. 396
503 - Impaired Driving. 399
504 - Traffic Citations. 406
505 - Disabled Vehicles. 408
506 - Abandoned Vehicle Violations. 409

Chapter 6 - Investigation Operations. 411

600 - Investigation and Prosecution. 412
601 - Sexual Assault Investigations. 417
603 - Informants. 422
604 - Eyewitness Identification. 427
605 - Small Unmanned Aircraft System. 434
606 - Asset Forfeiture. 440
614 - Warrant Service. 446
615 - Operations Planning and Deconfliction. 451

Chapter 7 - Equipment. 457

700 - Office-Owned Property. 458
701 - Personal Communication Devices. 462
702 - Mobile Fingerprint Scanner. 465
703 - Vehicle Maintenance. 466
704 - Vehicle Use. 469
705 - All Hazards Rescue Vehicle. 473
706 - Personal Protective Equipment. 476
707 - Body Armor. 480

Chapter 8 - Support Services. 482

800 - Crime Analysis. 483
801 - Property and Evidence. 484
802 - Weld County Records Procedures. 501
803 - Records Maintenance and Release. 503
804 - Protected Information. 509

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805 - Computers and Digital Evidence. 511
806 - Animal Control. 515
807 - Jeanne Clery Campus Safety Act. 519
808 - CJIS Access, Maintenance, and Security. 524

Chapter 9 - Custody. 529

900 - Custodial Searches. 530
901 - Transporting Persons in Custody. 535

Chapter 10 - Personnel. 540

1000 - GRATUITIES. 541
1001 - Anti-Retaliation. 543
1002 - Communicable Diseases. 546
1003 - Seat Belts. 551
1004 - Fitness for Duty. 553
1005 - Lactation Breaks. 558
1006 - Payroll Record Procedures. 560
1007 - On-Duty Injuries. 563
1008 - PEER SUPPORT TEAM. 564
1009 - Sheriff's Cadets and Explorers. 568
1010 - Nepotism and Employment Conflicts. 570
1011 - Office Badges. 573
1012 - Performance Appraisal Data. 575
1013 - Personal Appearance. 577
1014 - Employee Speech, Expression and Social Networking. 581
1015 - Illness and Injury Prevention. 585
1016 - Temporary Modified-Duty Assignments. 589

Chapter 11 - General Orders. 593

1100 - Written Directives. 594
1101 - Interpreters or Auxiliary Service for Deaf or Hard of Hearing. 596
1102 - Legal Assistance. 598
1103 - Public Information. 599
1104 - Incident Reporting and Staff Notification. 603
1105 - Temporary Protection Orders. 605
1106 - Emergency Action Plan (EAP). 608
1107 - Northern Colorado Medical Center Security Access. 610
1108 - Budget. 611
1109 - Inventory Control. 614
1110 - Procurement. 615
1111 - Common Carrier Deliveries. 621
1112 - Standards of Conduct. 622
1113 - Supervision. 628
1114 - Peace Officer Credibility Disclosure Notifications. 630
1115 - Personal Leave. 633
1116 - Leave and FMLA. 634
1117 - Secondary Employment/ Off Duty Contract. 636

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1118 - Accident and Injury Reporting. 639
1119 - Line of Duty Death / Severe Injury. 641
1120 - Blood Borne Pathogen Exposure Control Plans. 644
1121 - Drug and Alcohol Workplace Safety. 645
1122 - Applicant and Transfer Preference. 653
1123 - Applicant Pre-Employment Screening. 654
1124 - Lateral Entry Program. 656
1125 - Fitness Standard. 658
1126 - Uniform Presentation and Maintenance. 662
1127 - Awards and Commendations. 670
1128 - CCIC/NCIC Training. 674
1129 - Vehicle WEX Fuel Cards. 675
1130 - Encrypted Radio Channels. 676
1131 - Firearms Training and Qualifications. 678

Attachments. 681
10.1.200 Legal Assistance.pdf. 682
Detentions Applicant PAT.pdf. 683
2022 WCSO Bloodborne Pathogen Exposure Control Plan (Approved).pdf. 684
SWAT PAT .pdf. 685
K-9 PAT .pdf. 686
Admin Leave Notice - 2023.pdf. 687
APPENDIX A - ALTERNATIVE DUTY FIREARMS .pdf. 688
Notice to Report to Drug and or Alcohol Test.pdf. 689
SWAT PAT.pdf. 690
K-9 PAT.pdf. 691
Detentions PAT.pdf. 692
Patrol PAT.pdf. 693
Showup Provisions.pdf. 694
Garrity Notice -2023.pdf. 695
Extension Request -2023.pdf. 696
Notice of Investigation -2023.pdf. 697
2024 WCSO Bloodborne Pathogen Exposure Control Plan.pdf. 698
Notice of Investigation 2024.pdf. 699
APPENDIX A - ALTERNATIVE DUTY FIREARMS 2025.pdf. 700
Admin Leave Notice 2024.pdf. 701
APPENDIX A - ALTERNATIVE DUTY FIREARMS 2026 V2.pdf. 702
Notice to Report to Drug and or Alcohol Test 2024.pdf. 703
Removal from Duty Notice Fitness Standard.pdf. 704
Admin Leave Notice - OIS 2024.pdf. 705
APPENDIX A - ALTERNATIVE DUTY FIREARMS .pdf. 706
2023 WCSO Bloodborne Pathogen Exposure Control Plan (Approved 2023).pdf. . . . 707
PROPERTY FORM-BLANK.pdf. 708
PROPERTY-ACCIDENT-DAMAGE - LOSS REPORT.pdf. 709
Admin Leave Notice OIS - 2021 - PDF.pdf. 710
Evidence Viewing Memo.pdf. 711
Notice of Investigation -2021.pdf. 712

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Example of Research Protocol.pdf. 713
WCSO Notice To Report for Drug and or Alcohol Testing Form.pdf. 714
Line of Duty Death checklists - Appendices A-J.pdf. 715
Notice of AI-SI -2019.pdf. 716
10.1.700 TPO.pdf. 717
10.1.800 Emergency Action Plan.pdf. 718
10.1.900 NCMC Security Access.pdf. 719
10.1.101 Interpreters for Deaf and Hard of Hearing.pdf. 720
10.1.100 Written Directives.pdf. 721
10.1.300 Public Information.pdf. 722
10.1.500 Incident Reporting and Staff Notification.pdf. 723
Garrity Notice -2019.pdf. 724
PAID - Admin Leave Notice -2019.pdf. 725
UNPAID - Admin Leave Notice -2019.pdf. 726
Garrity Notice -2021.pdf. 727
Extension Request -2021.pdf. 728
Complaint Form.pdf. 729
Admin Leave Notice - 2021.pdf. 730
Pre-Employment.pdf. 731
VEHICLE PRE-OP 050720 LIVE.pdf. 732
WCSO Requisition Form.pdf. 733
Extension Request - Memo Template -2019.pdf. 734
Lawfit course diagram.pdf. 735
Use of Accrued Vacation in Lieu of Suspension form - Appendix A.pdf. 736
crcl-i-speak-booklet.pdf. 737
APPENDIX A - ALTERNATIVE DUTY FIREARMS 2026.pdf. 738

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Weld County Sheriff's Office to perform their functions based on established legal authority.

100.2 PEACE OFFICER AUTHORITY

Certified and civilian uniformed and plain clothes employees appointed by the Sheriff as Deputy Sheriffs and Detentions Deputies are peace officers pursuant to CRS § 16-2.5-101 through CRS § 16-2.5-148 and CRS § 24-7.5-103. However, because Detentions Deputies are civilian Deputy Sheriffs, their peace officer authority is limited ONLY to the duties assigned by and while working under the direction of the Sheriff pursuant to CRS § 16-2.5-103.

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WELD COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Weld County Sheriff's Office includes (CRS § 16-3-102):

(a) In compliance with an arrest warrant.

(b) When any crime is being, or has been, committed in a peace officer’s presence.

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WELD COUNTY SHERIFF'S OFFICE

The arrest authority of deputies outside the jurisdiction of the Weld County Sheriff's Office includes:

(a) When a felony or misdemeanor is committed in the deputy’s presence in another jurisdiction in the state of Colorado, the local law enforcement agency is notified of the arrest and the arrestee is transferred to that agency (CRS § 16-3-110).

(b) When the deputy is in fresh pursuit from within the jurisdiction of the Weld County Sheriff's Office and any of the following conditions exist (CRS § 16-3-106):

1. An arrest warrant has been issued for the person or the deputy knows that such warrant has been issued for the person.
2. An offense was committed in the deputy's presence.
3. The deputy has probable cause to believe that the person committed an offense.

(c) When deputies are accompanied by law enforcement officers who have the authority to make an arrest in that jurisdiction, are present at the scene of the arrest and participate in the arrest process (CRS § 16-3-202).

(d) When another agency has requested temporary assistance during a state of emergency (CRS § 29-5-104).

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A deputy making an arrest under this subsection shall, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (CRS § 16-3-110).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

(a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state (CRS § 24-60-101; CRS § 29-1-206).

(b) When a deputy enters Arizona, Nebraska, New Mexico, Oklahoma or Utah in fresh pursuit of a felony subject (ARS § 13-3832; Neb. Rev. Stat. § 29-416; NMSA § 31-2-1 (New Mexico); 22 O.S. § 221; Utah Code 77-9-1).

(c) When a deputy enters Kansas in fresh pursuit of a subject who committed any offense (K.S.A. § 22-2404).

(d) When an interstate compact exists with the state of Wyoming that permits a deputy to pursue and arrest an offender who has fled Colorado (Wyo. Stat. § 7-3-103).

Whenever a deputy makes an arrest in another state, the deputy shall take the offender to a magistrate in the county where the arrest occurred as soon as practicable (ARS § 13-3833; K.S.A. § 22-2404; Neb. Rev. Stat. § 29-417; NMSA § 31-2-2 (New Mexico); 22 O.S. § 222; Utah Code 77-9-2).

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 POLICY

It is the policy of the Weld County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

The Colorado Peace Officer Standards and Training Board (POST) has mandated that all certified peace officers employed within the State of Colorado shall be certified by POST (CRS § 16-2.5-102).

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer elected or appointed to the office of Sheriff for the first time shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within one year of taking office, unless POST grants a written extension of not greater than one year (CRS § 30-10-501.6 (1)).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to office members.

102.1.1 OATH OF OFFICE

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

I, (employee name), do solemnly swear or affirm in the presence of the ever living god, that I will support the Constitution of the United States, the Constitution of the State of Colorado, and the Weld County Home Rule Charter made in pursuance thereof, that I will discharge the duties of Deputy Sheriff faithfully to the best of my skill and ability and abide by the Law Enforcement Code of Ethics, so help me God.

102.2 POLICY

It is the policy of the Weld County Sheriff's Office that, when appropriate, office members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Office and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All office members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. Prior to assuming the duties of a peace officer, certified members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Colo. Const. art. XII, § 8).

If a member is opposed to taking an oath, he/she shall be permitted to substitute the word "affirm" for the word "swear," and the words "so help me God" may be substituted with "under the pains and penalties of perjury."

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Weld County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this office. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Weld County Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for office administrative action, training or discipline. The Weld County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Sheriff shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Sheriff or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

CCR - Code of Colorado Regulations.

CFR - Code of Federal Regulations.

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County - The County of Weld County.

Civilian - Employees and volunteers who are not certified law enforcement officers.

Office/WCSO - The Weld County Sheriff's Office.

DMV - The Colorado Department of Revenue Division of Motor Vehicles.

Employee/personnel - Any person employed by the Office.

Juvenile - Any person under the age of 18 years.

Manual - The Weld County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Weld County Sheriff's Office, including full-time licensed, certified deputies, reserve deputies, civilian employees and volunteers.

Deputy - Those employees, regardless of rank, who are sworn employees of the Weld County Sheriff's Office.

On-duty - A member’s status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer - An employee who is required to be certified by POST pursuant to CRS § 16-2.5-101 et seq. The term includes certified full-time and reserve peace officers who perform the duties of a peace officer.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other office members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., deputy-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one office member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member’s off-duty supervisor or an on-call supervisor.

USC - United States Code.

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103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the office network for viewing and printing. No changes shall be made to the manual without authorization from the Sheriff or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Captain will ensure that members under his/her command are aware of any Policy Manual revision.

All office members suggesting revision of the contents of the Policy Manual shall forward their written suggestions, through the chain of command to their Captains, who will consider the recommendations and forward them to the command staff as appropriate.

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Discriminatory Harassment

104.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation.

104.2 POLICY

The Weld County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Office will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

104.3 DISCRIMINATION PROHIBITED

104.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status
protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual’s protected class. It has the effect of interfering with an individual’s work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or office equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

104.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

104.3.3 SEXUAL HARASSMENT
The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

104.3.4 ADDITIONAL CONSIDERATIONS
Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Colorado Civil Rights Division (CCRD) guidelines.

(b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with county or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

104.4 RESPONSIBILITIES
This policy applies to all office members, who shall follow the intent of these guidelines in a manner that reflects office policy, professional policing standards, and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Director of Human Resources, or the Citizens of Weld.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

104.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Sheriff or Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

104.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Office and professional custodial standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in handling such situations.

(d) Supervisors and managers shall make a prompt determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or managerial responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

104.4.3 RESPONSIBILITIES UPON RECEIPT OF COMPLAINT

Upon receipt or notification of a complaint filed with the Colorado Civil Rights Division, the Sheriff or the authorized designee shall assign the complaint for action. The person assigned the complaint is responsible to ensure completion of the following (CRS § 24-34-301, et seq.):

(a) Provide a written answer to the complaint within the time required after receiving it.

(b) Supply and explain all relevant information, data, or papers upon request.

(c) Respond to all telephone or mail inquiries from the Colorado Civil Rights Division.

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(d) Attend all meetings, hearings, or fact-finding conferences when requested.

104.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

104.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

104.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Reporting shall be in compliance with this policy. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Resources, or the Citizens of Weld.

104.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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104.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- Approved by the Sheriff, the Citizens of Weld, or the Director of Human Resources, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

104.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

104.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Office.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

104.7.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, manager, the Sheriff, the Director of Human Resources, or the Citizens of Weld for further information, direction, or clarification.

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Chapter 2 - Organization and Administration

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General Orders and Numbered Memoranda

200.1 PURPOSE AND SCOPE

General Orders and General Numbered Memorandum establish interdepartmental communication that may be used by the Sheriff to make immediate changes topolicy and procedure. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

200.1.1 GENERAL ORDER PROTOCOL

General Orders will be incorporated into the manual, as required upon approval of the staff. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All existing General Orders have now been incorporated in the updated Policy Manual as of the revision date listed below.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 11-01 signifies the first General Order for the year 2011.

200.1.2 SPECIAL ORDERS PROTOCOL

General Numbered Memoranda establish a temporary policy or procedure on a given subject for a specific length of time. General Numbered Memoranda are issued to the organization to a specific division and become inoperative with the passing of the incident or situation that caused the order to be issued.

200.2 RESPONSIBILITIES

200.2.1 EXECUTIVE STAFF

The executive staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

200.2.2 SHERIFF

The Sheriff or the authorized designee shall issue all General Orders and General Numbered Memoranda.

200.3 ACCEPTANCE OF GENERAL ORDER

All employees are required to read and obtain any necessary clarification of all General Orders and General Numbered Memoranda. All employees are required to acknowledge in writing or through email the receipt and review of any new General Order or General Numbered Memorandum. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Sergeant.

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Emergency Management Plan

201.1 PURPOSE AND SCOPE

In compliance with the State of Colorado Emergency Operations Plan, the County has prepared or adopted an Emergency Operations Plan (CRS § 24-33.5-707). This plan provides guidance and is to be used by all work groups and employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

201.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Sheriff's Office, the Sheriff or the highest ranking official on-duty may activate the Emergency Operations Plan in response to a major emergency.

201.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Weld County Sheriff's Office are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Sheriff or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

201.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are available through the Weld County Office of Emergency Management

Each member of the Command Staff and the Professional Standards Sergeant should have a copy of the plan.

201.4 UPDATING THE PLAN

The Sheriff or the authorized designee shall review and update, if necessary, the Emergency Patrol Plan annually to ensure it conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS), and that any needed revisions are appropriately addressed.

201.5 PLAN REVIEW

At least once every two years, the Office should conduct a review of the Emergency Operations Plan and responses, incorporating a full or partial exercise, tabletop or command staff discussion.

201.6 PLAN TRAINING

The Office shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles sheriff's personnel will play when the plan is activated.

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Training

202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

202.2 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local, and the Colorado Police Officer Standards and Training Board (POST) training requirements. It is a priority of this office to provide continuing education and training for the professional growth and development of its deputies.

202.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of deputies.

(c) Provide for continued professional development of deputies.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

202.4 TRAINING SERGEANT

The Sheriff shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the office training plan so that required training is completed. The Training Sergeant should review the training plan annually.

202.5 TRAINING PLAN

The plan shall include a systematic and detailed method for recording all training for all deputies.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all training requirements.

202.5.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies:

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

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1. Deputies must successfully complete an approved Colorado basic academy pursuant to CRS § 24-31-305 before performing duties of a certified peace officer, as defined by CRS § 16-2.5-102.
    (a) Deputies may alternatively obtain a provisional certificate prior to appointment or otherwise meet the training and certification standards within the parameters, extensions, and exceptions set by POST (CRS § 24-31-308; CRS § 30-10-501.6 (1)).
2. DNA evidence collection (CRS § 24-31-311) (once)
3. Eyewitness identification training (CRS § 16-1-109)
4. Annual completion of any additional training required by POST (CRS § 24-31-315; CRS § 24-31-319; CRS § 30-10-501.6)
5. Officer-involved shooting and critical incident pre-incident preparation training as required by CRS § 16-2.5-403

(c) Office-mandated training:

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

202.5.2 TRAINING REQUESTS

Occasionally, employees may need to attend training hosted outside the agency. To attend any outside agency training, employees must submit a training request.

1. Go to

https://weldgov.sharepoint.com/sites/SmartForce

(Can also be accessed at www.weldsheriff.com under the community tab; select employee links, then select training request form).

2. Log in using your county network login and password.
3. Complete and submit the training request.

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202.5.3 TRAINING RESTRICTION
The Training Sergeant shall ensure that a training program does not include any training on or reference to the term "excited delirium" (CRS § 24-31-907).

202.6 TRAINING ATTENDANCE

(a) All deputies assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to the following:

1. Court appearances.
2. Previously approved vacation or time off.
3. Illness or medical leave.
4. Physical limitations preventing the deputy's participation.
5. Emergency situations or office necessity.

(b) Any deputy who is unable to attend training as scheduled shall notify the deputy's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:

1. Document the absence in a memorandum to the deputy's supervisor.
2. Make arrangements through the deputy's supervisor or the Training Sergeant to attend the required training on an alternate date.

202.7 TRAINING RECORDS

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

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Travel and Training Reimbursement

203.1 PURPOSE AND SCOPE

This policy provides guidelines for travel expenses and reimbursement requests. This policy aligns with Weld County Code Section 2-12-160 but offers more specific guidance and direction for Sheriff's Office employees.

203.2 GENERAL GUIDELINES

Employees are sometimes required to travel outside the county to conduct county business and to attend training/conferences. Weld County Code provides for reimbursement for actual expenses incurred while on county business. Specific guidelines exist to ensure the expenses are reasonable and necessary. All flights and hotels should be booked using an agency P-Card unless exigent circumstances exist.

203.3 OPTIONS FOR REIMBURSEMENT

Employees must select one of two options for reimbursement. Employees cannot combine both methods on the same trip.

When meals are included as part of the training event or included in the cost of the hotel room, a deduction must be made from the cash advance/per diem rate; reimbursement is not allowed for meals that are provided if the employee chooses to dine at an alternate location.

A meal may be provided for single-day travel/training outside of Weld County.

- Reimbursement for meals is not reasonable for short-term travel out of county, even if the travel is during the mid-day hours.
- Short-term travel is considered a round-trip that is 5 hours or less.
- If Advanced Officer Training is held outside the county, the meal is not considered a reimbursable expense.

(a) Per Diem

Employees may choose to be reimbursed for meals and incidentals using a per diem allowance. Receipts are not required for per diem allowances. Per diem allowances are reimbursed after the trip is completed.

Per diem is calculated using the Employee's time of departure and time of return based on the rates on the GSA website (https://www.gsa.gov/travel/plan-book/per-diem-rates).

(a) Cash Advance

Employees may request a cash advance before the training occurs. Cash advances are given to an employee to assist in covering the costs associated with out of town/state travel for training. All checks will be picked up in person, by the employee, from the Professional Standards Unit and the employee must sign the Unit's agreement for advances. If an employee receives a cash advance, they must complete the personal expense claim to settle the advance within fourteen days of their return. Itemized receipts must be turned in with the personal expense claim (digital

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image is acceptable). The personal expense claim must be totaled and mathematically accurate, including verifying tips do not exceed 20% and all totals are legible.

The County will be reimbursed by receipts and/or cash totaling the advance amount. If the employee is not timely in returning funds and/or receipts the employee will not be eligible for advances for future training.

The request for a cash advance must be sent to Professional Standards at least 10 business days before departure to receive an advance.

203.4 CASH ADVANCE CRITERIA

If an employee chooses the cash advance method of reimbursement for actual expenses, which includes, but is not limited to, the cost of meals and incidentals incurred while attending conferences and training, the following rules apply:

(a) Cost of the meal is to be reasonable and will be based on GSA per diem rates. The per diem rate includes tipping.

(b) Tipping is reimbursed at no more than twenty (20) percent, unless it is automatically added for a large group at a higher amount.

(c) Itemized receipts are required (digital image is acceptable). If an itemized receipt is not turned in, no reimbursement will be allowed.

(d) If meals are provided as part of the conference or built into the standard hotel room cost, reimbursement will not be allowed.

(e) Copy of the conference or meeting agenda (meeting schedule) must be included with the reimbursement request.

(f) Personal entertainment expenses, including in-flight movies, headsets, health club facilities, hotel pay per-view movies, in-theater movies, social activities and related incidental costs are not reimbursable.

(g) No reimbursement for alcohol or snacks.

    (a) Receipts that show an alcohol or snack purchase will not be accepted for reimbursement.

    (b) Alcohol and snack purchases must be made as a separate transaction.

(h) All receipts must only be for the expenses of the employee who received the cash advance.

(i) The cost of the meal must be reasonable. The agency expectation is that meals will have a cost consistent with current GSA per diem rates for the travel area.

(j) Current GSA per diem rates are available from Professional Standards and will be included with all training/ conference itineraries, for reference.

(k) The allowable costs for reimbursement are not cumulative; if a meal is skipped, that amount cannot be added to what is spent on another meal.

(l) If a circumstance arises that is not covered by this policy, it is an expectation that the most conservative course of action will be taken.

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(m) If a reimbursement request is not consistent with the Agency's expectations, an explanation must be provided.

(n) If the meal total is considered unreasonable, the employee will be notified and the reimbursement amount will be reviewed, and may be adjusted or denied, by Sheriff's Office executive staff.

203.5 TRANSPORTATION

(a) All local and in-state training will be attended by using a WCSO vehicle.

(b) In special cases, or if an agency vehicle is not available, mileage will be reimbursed to the employee who uses his/her personal vehicle.

- A supervisor and Professional Standards must approve the use of a personal vehicle, in writing.
- If an employee chooses to drive his/her personal vehicle instead of an available agency vehicle, mileage will not be reimbursed.

(c) When an employee is flying from Denver International Airport, the requirement to use an agency vehicle does not apply.

- Mileage reimbursement where either the point of origination or the point of return, or both is the employee's home, is measured from the employee's home to the destination and return, or, from the employee's department address to the destination and return, whichever is less.
- Extended parking fees will be reimbursed for the economy parking at the airport, or the uncovered parking at the off-site shuttle parking lots.
    i. If an employee chooses to park in the garage at the airport, or covered parking at the off-site shuttle lots, the employee will not be reimbursed for the additional costs associated with the covered parking.

(d) Transportation, such as UBER, mileage, parking and other incidentals are not covered by per diem. The employee will need to seek reimbursement after the training is complete and provide receipts.

203.6 HOTELS

(a) Accommodations for lodging will be made by the training unit.

- Employees are not allowed to switch hotels unless they can show, in writing, why an alternative choice is financially a better option.

203.7 FEES

(a) Baggage fees, taxi/shuttle fares, and other incidental fees will be reimbursed.

- Receipts must be provided
- The fee must be reasonable.

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Cash Handling

204.1 REFERENCES
Weld County Code, Chapter 5 (Accounting Policy); Revenue and Finance, Article V Accounting Policy; Statement of Policy 5-5-10; Petty Cash Funds 5-5-20; Change Funds 5-5-230

204.2 DEFINITIONS
Banner System - Weld County Accounting System

Courier - Contracted armored car service

i-Receipt System - Sheriff's Office funds management system interfaced with the Banner System

i-Payment Revenue Portal - Cashiering section within i-Receipt System

Keefe Commissary Network - Contract system that maintains inmate funds and interfaces with the i-Receipt System

204.3 POLICY
Desktop procedures (post-orders) will be created to ensure consistent cash handling processes. The post-orders will be reviewed annually, by the appropriate supervisor, to determine if any procedural changes are needed. If changes are needed, each unit must update their post-orders and submit them to the Administration Captain and Budget Manager for review and approval. Staff must review the Cash Handling Policy and post-orders annually; each employee must understand their role in their unit's cash handling process. New staff are required to review their unit's approved post-orders prior to assuming cash handling duties, and at least annually thereafter, trackable via the agency's training management system.

204.4 SOURCES OF FUNDS
Funds are collected for various reasons to include, but not limited to; civil documents requiring service, Vehicle Identification Number inspections, Model Traffic Code citations, Concealed Handgun Permits, Municipal Jail Housing payments, Law Enforcement Contract payments, fingerprints, jail records, mug shots, records releases, Body Worn Camera releases, photocopies and for inmates to use in the commissary network.

Fees and funds may be collected at all Agency locations; North Jail Complex; Law Administrative Building; Southwest Sub Station; Southeast Sub Station and Weld County Records.

Deposits are stored in safes in each respective location. Access to the safes is limited to personnel required to conduct cash transactions during their duties. When an employee who knows the safe combination leaves Office employment, the safe combination will be changed that same day.

204.5 DEPOSITS
Funds must be deposited at the bank or designated drop location daily. Independent reconciliation of deposit documents to the statement of accounts must be in place.

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A courier picks up deposits and delivers them to the bank. Deposits for the Jail, Records and Administration are picked up at the Law Administration Building. Deposits for substations are picked up at the Clerk and Recorder's satellite offices.

204.6 TYPES OF FUNDS

Informant Fund – The Strike Team Sergeant is designated as the fund manager. This responsibility may be delegated to another, but an audit of the fund shall be completed prior to the transfer of responsibility and access to the fund.

All transactions must be recorded on the ledger and contain the following details in the entry:

- Recipient
- Case Number
- Amount
- Date
- Reason for disbursement

The buy fund will be kept secure in the provided safe. The safe will be securely mounted in a location that has a locking door, and the door will be locked at all times when not occupied, creating two layers of security.

In accordance with the Informants Policy section on Audit of Payments, the Strike Team Sergeant or authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six (6) months, the Lieutenant assigned to oversee Internal Affairs (IA) will conduct an audit of all informant funds for accountability and security of the funds. The fund manager and the IA Lieutenant will review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Sheriff.

Change Fund – Employees who are required within the course of their duties to conduct cash transactions will have access to a change fund. The purpose is to ensure effective and efficient customer service by promptly providing change for a cash transaction.

Employees are prohibited from using the change fund for any other purpose, such as check cashing or temporary loans to other employees.

Inmate Cash Out Fund – Cash out fund for inmate refunds leaving to other agencies. It is balanced against the (Keefe) ledger and inmate account receipts at the start of each shift and once every quarter by a supervisor.

Other Cash Handling – Employees who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall,

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as soon as reasonably practicable; verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Each employee involved in the handling, verification or processing of cash shall complete appropriate documentation.

204.7 RECORD RETENTION

Cash collection sites are required to retain records pertaining to cash handling for seven (7) years after the close of each fiscal year.

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Electronic Mail

205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Office. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law. Messages transmitted over the email system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Office.

205.2 EMAIL RIGHT OF PRIVACY

All email messages, including attachments, transmitted over the office networks or through a web browser accessing the office system are considered office records and therefore are the property of the Office. The Office reserves the right to access, audit and disclose for any lawful reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

The email system is not a confidential system and therefore is not appropriate for confidential communications. If a communication must be confidential, an alternate method to communicate the message should be used. Employees using the office email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Office.

205.3 RESTRICTIONS ON USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire office are only to be used for official business-related items that are of particular interest to all users. All email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should seek prior approval from their direct supervisor. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user’s name or email address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure would minimize the misuse of an individual’s email, name and/or password.

205.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a record under the Colorado Criminal Justice Records Act (CRS § 24-72-301 et seq.) and must be managed in accordance with the established records retention schedule and in compliance with state law.

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Electronic Mail

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

206.1 PURPOSE AND SCOPE

Effective communications within the Office are critical to the accomplishment of the mission of the Office and the effective operation of the agency. Administrative communications of this office are governed by the following policy.

206.2 POLICY

The Weld County Sheriff's Office will appropriately communicate significant events within the organization to its members. Both electronic and non-electronic administrative communications will be professional in appearance and comply with the established letterhead, signature and disclaimer guidelines, as applicable.

206.3 MEMORANDUMS

Memorandums may be issued periodically by the Sheriff or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

206.4 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Office shall be issued by the Sheriff, Undersheriff, or an authorized designee.

206.5 PERSONNEL ORDERS

Personnel orders may be issued periodically by the Sheriff, through the chain of command, to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations or other changes in status.

206.6 VOLUNTARY SEPARATION LETTERS

When an employee voluntarily submits a letter that announces their intended separation from the agency, the following steps must be taken:

(a) On the same day that the supervisor receives the letter, it is scanned and emailed to the routing group WC NO LONGER EMPLOYED.

    1. The original is placed into interoffice mail and forwarded to the office technician assigned to personnel records management.

(b) Depending on circumstances, the office technician creates and transmits the appropriate action notice to Weld County Human Resources, either that same day, or no later than the next business day.

(c) At the end of the separating employee’s last day of work, the employee’s supervisor must approve all outstanding time in the PeopleSoft database.

    1. Human Resources will be freezing the employee’s timesheet on the day following the employee’s last day at work.

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206.7 SURVEYS
All surveys made in the name of the Office shall be authorized in advance by the Sheriff or an authorized designee.

206.8 CORRESPONDENCE
All office correspondence is to be written in a clear, concise manner, consistent with the report formats and guidelines prescribed in this policy and reflecting the highest possible quality in organization, grammar, punctuation and spelling.

All external correspondence shall be on office letterhead. All office letterhead, including all digital facsimiles of the letterhead, shall bear the signature element of the Sheriff or the authorized designee. Personnel should use office letterhead only for official business. Office letterhead may not be used for personal purposes.

206.9 COMPLETED STAFF WORK
All staff reports (e.g., reports assigned to a specific person for the purpose of responding to a problem or issue) shall incorporate the principle of "completed staff work," which requires the person to whom a task has been delegated to complete and document the delegated work to such an extent that the only thing left for the decision-maker to do is to approve, or decline to approve, the recommendation. Staff reports that only point out weaknesses or merely suggest needed actions are not completed staff work and are not acceptable.

The writer of the staff report should document the efforts made to have the report reviewed by or acted upon by those individuals representing work units or other entities likely to be affected by any proposed changes.

206.10 INTRODUCTORY SUMMARY MEMORANDUMS
Any memorandum that exceeds one page in length should contain a brief introductory summary section synopsizing the subject matter.

206.11 ADMINISTRATIVE REPORT FORMAT
All staff reports submitted via the chain of command to superior officers for further action should be written in accordance with the following format, when applicable.

Executive Summary Section - The staff report should begin with a brief statement of the problem or issue and what could be done about it. This summary should restate the main points of the report in general, non-technical language, leaving out details. The length of the executive summary section should range from one paragraph to one page.

Problem/Issue Identification Section - This section of a staff report is critical to the success of the reader's ability to grasp the issues involved and to arrive at an informed decision. It should strive to identify the true nature and scope of the problem by identifying the known facts and

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background of the situation, including who has the problem, how long has it existed and the known or likely consequences of the problem.

Forecast Future Impacts - This section of the report should clearly define the problem and be accompanied by an analysis of relevant factors, supported by specific examples, details or testimony, clarifying what the problem is and why it exists. Generally, the reader should be able to leave this section of the report clearly understanding the issues involved and the consequences of taking no action.

Alternatives Analysis Section - Whenever the seriousness or complexity of a problem warrants the development of alternative solutions, a staff report should include a section containing a discussion of different courses of action and their consequences, taking into account the comments and positions of other staff members or entities affected by an Office response to the problem.

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Supervision Staffing Levels

207.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Office intends to balance the employee's needs against its need and inherent managerial right to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet the operational requirements of the Office.

207.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least one supervisor and four patrol deputies on-duty whenever possible. Shift Sergeants will ensure that they make themselves visible to their employees during each shift.

207.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as an acting shift supervisor for a limited period of time.

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Concealed Handgun Permit

208.1 PURPOSE AND SCOPE

The Sheriff is given the statutory authority to issue a permit to carry a concealed handgun to residents within the community. This policy will provide a written process for the application, issuance, distribution, suspension and/or revocation of such permits and the dissemination of information related to such permits (CRS § 18-12-201; CRS § 18-12-206(4)).

208.2 QUALIFIED APPLICANTS

In order to apply for a permit to carry a concealed firearm, an applicant must meet the following requirements (CRS § 18-12-203):

(a) Be a legal resident of the State of Colorado

(b) Be at least 21 years of age

(c) Is not ineligible to possess a firearm pursuant to CRS § 18-12-108 or federal law

(d) Has not been convicted of perjury under CRS § 18-8-503, in relation to information provided or deliberately omitted on a permit application submitted pursuant to state law

(e) Has not been convicted of any crimes against persons under CRS § 24-33.5-424(3)(b.3)

(f) Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired

1. An exception would apply if the applicant provides an affidavit signed by a licensed professional counselor that the applicant has refrained from using alcohol for at least three years.

(g) Is not an unlawful user of, or addicted to, any controlled substance

(h) Is not subject to:

1. A protection order that is in effect at the time the application is submitted
2. A permanent protection order
3. A temporary protection order that is in effect at the time of the application
4. An extreme risk protection order or a temporary extreme risk protection order

(i) Demonstrates competence with a handgun by submitting any of the following:

1. Evidence of experience with a firearm through participation in organized shooting competitions, current military service, or current certification as a peace officer
2. Evidence that, at the time the application is submitted, the applicant is a certified instructor
3. Proof of an honorable discharge from a branch of the United States armed forces within three years preceding submittal of the application

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4. Proof of an honorable discharge from a branch of the United States armed forces that reflects pistol qualifications obtained within the 10 years preceding submittal of the application
5. A certificate showing retirement from a Colorado law enforcement agency that reflects pistol qualifications obtained within 10 years preceding submittal of the application
6. A training certificate from a concealed handgun training class obtained within one year preceding submittal of the application

208.3 APPLICATION PROCESS

The following elements are required to process an application:

(a) Application forms shall be furnished by the Office upon request.

(b) The application will be completed in its entirety.

(c) Appropriate application and fingerprint fees are paid as allowed by law.

(d) Documentary evidence of handgun competency

(e) Full head color photograph

(f) Fingerprints as required

(g) Upon receipt of an application for a permit, an investigation and background check of the applicant to determine if he/she is eligible shall be conducted (CRS § 18-12-205).

The permit shall be issued to the applicant unless he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to state law (CRS § 18-12-203(1)).

The permit and the contents contained therein shall meet all state requirements and be good for a period of five years (CRS § 18-12-204).

208.3.1 DENIED APPLICATION

Regardless of whether the applicant meets the criteria above, the permit may be denied on the grounds that there is a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to him/herself or others (CRS § 18-12-203(2)).

208.4 TEMPORARY EMERGENCY PERMITS

State law does not prohibit issuing a temporary emergency permit. A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid (CRS § 18-12-209).

208.5 APPLICATION FOR RENEWAL

To renew a concealed handgun permit, the permittee must complete and submit a renewal application, including evidence of demonstrated competence with a handgun, within 120 days of

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expiration to the Sheriff. The Sheriff will issue a renewal if all statutory provisions are met (CRS § 18-12-211).

Prior to renewing any permit that was issued by another agency, the Sheriff or the authorized designee shall contact the issuing agency to confirm whether the permit has been revoked or suspended (CRS § 18-12-209; CRS § 18-12-211).

208.6 RECIPROCITY

A permit to carry a concealed handgun that is issued by a state that recognizes the validity of permits issued pursuant to Colorado law shall be valid in this state in all aspects as a permit issued pursuant to CRS § 18-12-201, et seq., if the permit is issued to a person who is 21 years of age or older and either (CRS § 18-12-213):

(a) A resident of the state that issued the permit, as demonstrated by the address stated on a valid picture identification issued by the state that issued the permit and is carried by the permit holder.

(b) A resident of Colorado for no more than 90 days, as determined by the date of issuance on valid picture identification issued by Colorado and carried by the permit holder.

208.7 SUSPENDING OR REVOKING PERMITS

If the Sheriff has a reasonable belief that a permittee no longer meets the criteria required under state or federal law, the Sheriff shall suspend the permit until it is determined that the permittee is eligible to possess a permit (CRS § 18-12-203(3)(b)).

The Sheriff shall deny, revoke or refuse to renew a permit if an applicant or permittee fails to meet the criteria under this policy's Qualified Applicants section and may deny, revoke or refuse to renew the permit based on grounds in this policy's Application Process section (CRS § 18-12-203(3)(a)).

208.7.1 REISSUING PERMIT AFTER A TEMPORARY EXTREME RISK PROTECTION ORDER

If a concealed carry permit issued by this office is taken from a permittee as a result of a temporary extreme risk protection order and a court later denies the issuance of an extreme risk protection order, the Sheriff should reissue the permit within three days of notice of the denial at no charge to the permittee (CRS § 13-14.5-105).

208.7.2 REISSUING PERMIT AFTER A TEMPORARY EXTREME RISK PROTECTION ORDER

If a concealed carry permit issued by this office is taken from a permittee as a result of a temporary extreme risk protection order and a court later denies the issuance of an extreme risk protection order, the Sheriff should reissue the permit within three days of notice of the denial at no charge to the permittee (CRS § 13-14.5-105).

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208.8 APPLICATION NOTIFICATION

If the application or permit is denied, suspended, or revoked, the Office shall send the applicant written notification setting forth the reasons for the denial, suspension, or revocation within 90 days of receipt of the application (CRS § 18-12-206).

If an application for a permit is denied, or a permit is suspended or revoked, the applicant may seek a second review by the Sheriff and submit additional information for the record or seek judicial review pursuant to CRS § 18-12-207 (CRS § 18-12-203(3)(c); CRS § 18-12-206).

208.9 ANNUAL REPORT

The Office shall annually prepare a report regarding applications as required by law and submit the report before March 1 each year to the general assembly.

A copy of the annual report shall be provided to the public upon request (CRS § 18-12-206(4)).

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Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE

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

209.2 QUALIFIED RETIREES

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

Qualified retired law enforcement deputy means an individual who (4 CCR 901-1:27):

(a) Separated in good standing from service as a law enforcement deputy, other than for reasons of mental instability.

(b) Before retirement was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.

(c) Before retirement was regularly employed as a law enforcement deputy for an aggregate of at least 10 years or more, or retired from service with a service-related disability after completion of probation.

(d) During the most recent 12-month period has met the state standard for training and qualification to carry firearms.

(e) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.

(f) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order.

(g) Has in possession photographic identification from this office.

A former law enforcement officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct. A former law enforcement officer is not "in good standing" if he/she has entered into an agreement with the Office in which that individual acknowledges that he/she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the required photographic identification.

Nothing in this policy will prohibit a retired law enforcement officer from seeking and obtaining a concealed weapon permit pursuant to CRS § 18-12-201 et seq.

209.2.1 FIREARMS QUALIFICATIONS

This office may offer a law enforcement officer who retired from this office, or other law enforcement agency, the opportunity to obtain the necessary certification for a concealed weapons permit. A retired officer from an outside law enforcement agency may be required to demonstrate proficiency in the handling and shooting of a firearm. The Office may impose a nonrefundable

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fee in the amount necessary to pay the expenses for providing the firearms qualification or as allowed by law.

209.2.2 ISSUE OF PERMIT AND CERTIFICATE
Upon verification of required qualification standards, the Sheriff may issue a concealed weapon permit for retirees of this office. Applicants granted a concealed weapon permit will also be issued a certificate of proficiency that expires on the anniversary of the date the certificate was issued. A retired deputy may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with the provisions of 18 USC § 926C.

209.2.3 IDENTIFICATION CARD
This Office issues photographic identification cards upon request of a qualified retired deputy who meets the requirements of 18 USC § 926C and state law (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

Prior to issuing the identification card, the Office shall complete a criminal background check through a search of the National Instant Criminal Background Check System (NICS) and a search of the Colorado Integrated Criminal Justice Information System (CICJIS). If the background check indicates that the deputy is prohibited from possessing a firearm by state or federal law, the Office shall not issue the identification (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

If the Sheriff does not issue the identification card to a retired deputy, the Office shall provide the retired deputy with a written statement showing the reason for the denial (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

209.3 CARRYING FIREARMS OUT OF STATE
Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired deputies of this office may be authorized to carry a concealed firearm in other states.

209.4 OTHER QUALIFIED RETIREES
Law enforcement officers who have retired from other agencies may apply to the Sheriff of the county in which they reside for a concealed weapon permit. The Sheriff may provide certification if the retired law enforcement officer meets the criteria, standards for training and required qualifications. If such criteria are met, the Sheriff may issue a concealed weapon permit with a certificate of proficiency that expires on the anniversary of the date the certificate was issued.

The minimum requirements for this consideration include that the applicant must be a qualified retired law enforcement officer, who is entitled to carry a concealed firearm under 18 USC § 926C and state law. The Office may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification.

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209.4.1 APPLICATION PROCESS

The application process for deputies who have retired consists of the submittal of the required form, in person, and the payment of any fees required or allowed by law. The retiree shall sign the completed application form in person before the Sheriff or the authorized designee. The Sheriff or the authorized designee shall verify the applicant's form, recent firearms qualifications, retiree law enforcement identification and Colorado driver's license for completeness, validity and proper identification (4 CCR 901-1:27(I)(c)).

The qualification for a permit shall be validated, including a check for wants or warrants and any active court order, and a determination if the applicant is prohibited by state or federal law to possess or carry firearms. This validation will include a request through the Colorado Bureau of Investigation to the National Instant Criminal Background Check System and the Colorado Integrated Justice Information System to verify the applicant meets the criteria specified.

209.4.2 FIREARMS QUALIFICATIONS

This office may offer law enforcement officers who retired from other agencies the opportunity to obtain the firearms qualifications that are necessary to obtain certification, as pursuant to this policy, at least twice per year. The Office may impose a fee in the amount necessary to pay the expenses for providing the firearms qualifications.

The retired deputy must demonstrate safety and proficiency in the handling of the firearm by shooting a minimum of 80 percent on the qualification course as outlined in 4 CCR 901-1:27(I)(f).

209.5 MAINTAINING A CONCEALED WEAPON PERMIT

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

(a) Apply for a yearly firearms certification at least 30 days prior to the yearly expiration.

(b) Demonstrate annually the proficiency for the category of weapon licensed.

(c) Renew the permit three years after the date of issue or as required by law.

(d) Only be authorized to carry the concealed weapon listed on the concealed weapon permit.

(e) Notify the Office within three days if the permit is lost, stolen or destroyed.

(f) Notify the Office within 30 days if the applicant changes his/her address.

(g) Notify the Office as soon as feasible if the applicant is arrested or served with a court order.

209.6 DENIAL, REVOCATION OR SUSPENSION OF CONCEALED WEAPON PERMIT

The concealed weapon permit for any deputy issued by this office may be temporarily denied, revoked, suspended or permanently revoked upon a showing of good cause. In the event the Office is notified that the retired deputy fails to meet any of the certification requirements or no longer meets the requirements of this policy, state or federal law, the certification and permit

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shall be immediately revoked and written notice of the revocation sent to the applicant (4 CCR 901-1:27(l)(i)).

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

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

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

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

(b) Prior to revocation of any endorsement, the Office shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested, to the retiree's last known address. If immediate revocation is necessary, then direct contact may be made as necessary along with written notice.

    1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

    2. The hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.

    3. The failure to submit in a timely manner a written request for a hearing shall be deemed a waiver of such right.

(c) The hearing for the denial or revocation of any endorsement should be conducted before a panel of three Office members.

    1. Any retiree who waives the right to a hearing or whose endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Office will then reissue a new identification card, which shall be stamped "No CWP Privilege."

209.6.1 SHIFT COMMANDER RESPONSIBILITY

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

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

(b) If warranted, contact the retiree in person and advise him/her in writing of the following:

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1. The retiree's endorsement is immediately and temporarily revoked.
2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
3. The retiree will forfeit his/her right to a hearing and the endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(c) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Shift Sergeant should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Shift Sergeant may request that a law enforcement officer of that agency act as the Office's agent to deliver the written notification.

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

(e) The Shift Sergeant should document in a memo the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Sheriff.

209.7 EXPIRED CONCEALED WEAPON PERMIT

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

209.8 RETENTION OF RECORDS

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

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Complaints

210.1 PURPOSE AND SCOPE

This policy provides guidelines for receiving and assigning complaints regarding the conduct of the Weld County Sheriff's Office (WCSO) members. The WCSO will take all complaints regarding the conduct of its members seriously. The complaint process will be reasonably convenient, courteous, and prompt. All signed, written complaints from parties with standing will be accepted, documented, and evaluated for further investigation. The citizens of Weld County may comment on, or report member misconduct without concern of reprisal or retaliation.

210.2 DEFINITIONS

Administrative Leave - temporary separation of a member from the workplace when in the best interest of Weld County Government. Administrative leave for members includes regular pay and benefits except, under exceptional circumstances, pay and benefits may be suspended at the discretion of the Sheriff or the Undersheriff (unpaid admin leave).

Body Worn Camera (BWC) - an electronic device, provided by the WCSO, capable of capturing audio, video or both in a self-contained, rechargeable unit.

Complaint – an allegation of any misconduct by a member of the WCSO.

Complaint form – a WCSO provided form, or a document generated and signed by the complainant that contains all the requisite information; the date, time, location, and details of the incident, identity of the involved parties, the complainant's concerns, and any other information specific to the incident, such as report number or contact information.

Member – any person employed or appointed by the Weld County Sheriff's Office, including fulltime deputies, reserve deputies, civilian employees, contract employees, and volunteers.

Misconduct – any conduct by a WCSO member that includes but is not limited to criminal conduct, violations of WCSO policy, post orders, general orders, written directives, rules, expectations, Weld County Code, etc.

Poor performance – performance which does not adhere to generally accepted modern policing standards.

Personnel Management Software - a software program used to document a complaint (Blue Team, Benchmark, etc.).

Internal Investigation - an investigation of a complaint or allegation of misconduct, where a WCSO member is the alleged offending party.

Standing – the ability of an individual to bring a complaint based upon their stake in the outcome. A party seeking to demonstrate standing must be able to show enough connection to, or harm from, the conduct alleged in the complaint or allegation. Recipients of the alleged act are considered to have standing, as well as legal guardians and/or verified legal representatives.

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Weapons – any handgun, rifle, shotgun, or conducted energy device, or other weapon defined by Colorado Statute.

210.3 REFERENCES

Prison Litigation Reform Act (1996), C.R.S. 13-17.5-102.3; C.R.S. 24-31-902 C.R.S. 24-72-303

210.4 FORMS

See attachment: Admin Leave Notice - 2021.pdf

See attachment: Complaint Form.pdf

210.5 CITIZEN COMPLAINTS

(a) No member shall discourage, interfere, or unreasonably delay a person from making a complaint. Reasonable efforts will be made to ensure the complaint process is convenient, courteous, and prompt.

(b) When a citizen wants to file a complaint, they have two options:

  (a) Complete a complaint form (available at any WCSO location or from a member in the field) and drop it off or mail it to the Professional Standards Lieutenant.

  (b) Complete and submit a complaint form online.

(c) Received complaints will be forwarded to the Professional Standards Lieutenant.

210.6 SUPERVISOR COMPLAINTS (RESPONSIBILITY)

(a) When a supervisor observes or discovers member misconduct:

  (a) The supervisor will address the conduct at the level reasonable and proportional to the seriousness of the conduct.

    i. Supervisors have unilateral authority to impose disciplinary action when the action does not involve a loss of pay and/or benefits, or dismissal (verbal warning, verbal counseling, written warning, or written reprimand).

    ii. Supervisors must reference the employee's disciplinary history and request a range of discipline for similar offenses from Internal Affairs.

    iii. Written warnings and written reprimands must be provided to Internal Affairs by utilizing the complaint reporting system.

    iv. A supervisor must generate a report in the complaint reporting system for all discipline above the level of verbal warning and verbal counseling.

  (b) If the misconduct rises to a level of criminal activity or is so serious that the disciplinary action could result in a loss of pay or benefits, the supervisor will consult with the Professional Standards Lieutenant.

    i. If the member's alleged actions jeopardize the safe and orderly operations of the Sheriff's Office, a Sergeant or above may place the member on paid administrative leave. The Sergeant or above will:

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1. Complete a written notice of administrative leave with pay and serve it to the employee when they are placed on leave.
2. Collect agency issued weapon(s), BWC/blue tooth trigger, radio, identification, keys, proxy card, and badge, if applicable and deliver them to the Internal Affairs Unit.
3. Notify their chain of command and the Internal Affairs Unit.

(c) Administrative Leave may be modified to Unpaid Administrative Leave (Weld County Code 3-3-70) and must be approved by the Sheriff or Undersheriff.

210.7 MEMBER COMPLAINTS

(a) When a member observes any other member(s) misconduct:

(a) The member will report the misconduct to an uninvolved supervisor.

i. The supervisor will address the conduct at the level reasonable and proportional to the seriousness of the conduct.

(b) Member-initiated complaints shall require a written statement. A signed complaint form is not required.

210.8 ASSIGNING COMPLAINTS

(a) Once the Professional Standards Lieutenant receives a complaint, they will verify the following:

(a) The complaint is received in a timely manner based on the seriousness of the complaint.

(b) The complainant has standing.

i. Third-party complaints will not be accepted.

(c) If a complaint is made by an inmate in secure custody of the Weld County Jail;

i. Complaints made by inmates in secure custody of the Weld County Jail related to confinement conditions or Detention’s Division employee conduct shall be redirected to the Inmate Grievance Process prior to any Internal Investigation, consistent with the Prison Litigation Reform Act and C.R.S. 13-17.5-102.3.

ii. A Prison Rape Elimination Act (PREA) complaint of an inmate on inmate incident, is initially addressed by a Detentions Supervisor; however, any allegation of a staff on inmate incident will be reviewed by the Internal Affairs Unit.

(d) The complaint is not obviously false, frivolous, a repeated complaint over the same incident, or is an allegation that has already been addressed.

(e) The complaint is signed and provides some form of contact information (phone number, email, physical address etc.).

(f) The complaint contains enough information for investigation.

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(g) Prior to an internal investigation, the Sheriff or designee may determine that a complaint be administratively closed if the complaint would not constitute misconduct.

(b) Once a complaint is validated, the Professional Standards Lieutenant or the Internal Affairs Unit Sergeant will upload it to the Personnel Management Software, issue it a control number and assign it for investigation.

(c) Performance complaints will be handled by the members' supervisor, as they generally do not rise to the level of Internal Affairs intervention.

(a) Supervisor discretion is allowed; to provide training, mentoring/coaching, verbal warning/counseling, written warning/reprimand, but is not limited to such.

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Administrative Investigations

211.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the investigations of complaints within the Sheriff's Office are consistent with provisions of the Weld County Code, best practices and WCSO policy. All administrative investigations will be conducted in an objective, unbiased, thorough manner. The WCSO recognizes this is essential to maintain accountability and public confidence.

211.2 FORMS

See attachment: Admin Leave Notice 2024.pdf

See attachment: Garrity Notice -2023.pdf

See attachment: Extension Request -2023.pdf

See attachment: Notice of Investigation 2024.pdf

211.3 DEFINITIONS

Administrative Investigation and Disciplinary Process – a formal process of internal control that assures that an allegation of violation of employer rules, policy, procedure, or other misconduct or improper actions by an employee are subject to a complete and objective investigation resulting in findings of fact and disciplinary action for any substantiated violation.

Body Worn Camera (BWC) - an electronic device, provided by the WCSO, capable of capturing audio, video or both in a self-contained, rechargeable unit.

Complaint – a written allegation of misconduct by any member.

Member– any person employed or appointed by the Weld County Sheriff's Office, including full-time deputies, reserve deputies, civilian employees, contract employees, and volunteers.

Misconduct– any conduct by a WCSO member that includes but is not limited to criminal conduct, violations of WCSO policy, post orders, general orders, written directives, rules, expectations, Weld County Code, violations of civil rights, etc.

Internal Affairs Unit – an investigative unit within the Administration Division that is tasked with maintenance of professional standards related to integrity, and the conduct of members.

Personnel Management Software– a software program used to document an administrative investigation (Blue Team, Smartforce, etc.).

Subject Member – the member who is the subject of an administrative investigation.

211.4 GENERAL INVESTIGATIVE STEPS

(a) The assigned investigator shall review the complaint documented in the Personnel Management Software.

(b) The assigned investigator shall identify potential witnesses, sources of evidence and potential subject member(s).

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(c) If notice would not be detrimental to the investigation, the assigned investigator shall notify the subject member and their supervisor of the investigation within three (3) business days, using the Notice of Investigation form. The form will specify the date of the alleged incident and the nature of allegation.

  (a) As reasonable, the investigator will not disclose the names of complainants, witnesses or other persons identified in the report.

  (b) The investigator will admonish the subject member not to discuss or attempt to solicit any details of the incident, contact individuals as potential witnesses, or otherwise become involved in the investigation.

(d) All documents, interviews, and other forms of collected evidence shall be attached electronically to the Personnel Management Software incident. Large electronic files that exceed the upload restrictions of the Personnel Management Software will be stored in the Internal Affairs Unit safe or other appropriate restricted and secure storage location.

(e) Administrative investigations will be completed and submitted to the Administrative Captain or their designee for review and approval within 20 business days, absent extenuating circumstances.

  (a) Time extensions may be approved by the Sheriff, or designee, when extenuating circumstances are shown.

  (b) Complainant(s) and subject member(s) will be notified by the assigned investigator when extended time is approved.

Once the assigned investigator has completed the investigation, and attached all relevant documents, evidence, and information to the Personnel Management Software they will forward the investigation to the Administrative Captain for findings and discipline.

211.5 INVESTIGATIVE PRACTICES - CRIMINAL CONDUCT

(a) If criminal activity is discovered during any administrative investigation, the investigator will immediately suspend the investigation and notify the Sheriff, through the chain of command, and the Internal Affairs Unit.

(b) Information collected by the investigator that can be independently collected by criminal investigators and was not compelled or otherwise protected by the subject member's Garrity Rights, may be shared with criminal investigators.

(c) The administrative investigation will be completed by the assigned investigator only after the subject member has been charged or a determination not to file has been made by the jurisdictional authority.

  (a) At the direction of the Administrative Captain, a parallel administrative investigation may be conducted, or

  (b) The assigned investigator may observe during the criminal investigation to avoid the need to duplicate investigative actions, such as interviews.

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i. The assigned investigator must be present as an observer only and cannot be involved in the criminal investigation or offer input to criminal investigators.

ii. The assigned investigator may not be physically present in any criminal interviews but may observe the interviews remotely.

211.5.1 INVESTIGATIVE PRACTICES - UNTRUTHFULNESS

(a) Investigating allegations that a peace officer made untruthful statements (CRS § 24-31-305)

(a) Upon notification or discovery, WCSO shall investigate when a peace officer, is alleged to have knowingly made an untruthful statement concerning a material fact, or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an administrative investigation and disciplinary process.

i. Any notification or discovery of an allegation of untruthful statements shall be referred to the Internal Affairs Unit and documented as an administrative investigation.

ii. WCSO is not required, but may opt, to investigate the allegation, if the subject member has not been employed for at least six (6) months preceding the date of notification.

iii. If the allegation is sustained, WCSO shall report the findings to POST.

211.5.2 INVESTIGATIVE PRACTICES - SEARCHES

(a) Searches of property and premises in the workplace may be conducted at any time, without notice, when there is reasonable suspicion that evidence may be present related to member wrongdoing (Weld County Code 3-3-40 Searches; Lexipol Standards of Conduct – Expectations of Privacy policy).

(a) The scope for searches includes, without limitation, offices, lockers, phones, BWC, desks, personal computer files, cabinets, file drawers, packages, envelopes, and county vehicles (or personal vehicles when used to conduct county business).

(b) The assigned investigator will seize evidence and document its custody and control in the Personnel Management Software.

(c) The assigned investigator will document facts, information and observations supporting reasonable suspicion, for the search, in the investigative report.

(b) Blood, breath, or urine tests shall be ordered when a supervisor reasonably believes the member may be under the influence of an intoxicating substance.

(a) Intoxilyzer alcohol testing equipment certified by the Colorado Department of Health CANNOT be used for administrative testing.

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(b) A member ordered to submit to a reasonable suspicion test shall be transported to the screening site by a supervisor, or other person designated by the supervisor, per the Drug and Alcohol Workplace Safety general order.

(c) Document facts, information and observations supporting reasonable suspicion in the investigative report.

211.5.3 INVESTIGATIVE PRACTICES - GARRITY

(a) The Garrity Advisement form should be read to the subject member and completed before the interview.

(a) At the discretion of the Internal Affairs Unit or assigned investigator, legal counsel representing the member can be present during the administrative interview. Legal counsel may not interfere with the interview(s).

211.5.4 INVESTIGATIVE PRACTICES – POLYGRAPHS

Polygraph examinations must be approved by the Sheriff or Undersheriff.

211.6 MEMBER OBLIGATIONS DURING AN INVESTIGATION

(a) All members will truthfully answer questions and cooperate fully during an administrative investigation.

(a) Failure to truthfully answer questions, disclose all information, or attempt to hide, alter, or destroy evidence, constitutes misconduct and dishonesty.

(b) Failure to fully cooperate including, but not limited to, attending scheduled appointments, answering questions, providing written statements or evidence, participating in an authorized polygraph examination, discussing or attempting to solicit details of the incident under investigation from others, constitutes misconduct and/or insubordination.

(b) The solicitation of statements or interview(s) of subject members or witnesses should occur during regularly scheduled work periods, when reasonably possible.

(a) Member interviews constitute work time.

(b) Work product(s) such as criminal reports, supplemental reports, public safety statements, observation logs, use of force reports, or other standard documentation completed during normal business, is considered a normal function of employment and is not compelled documentation.

(c) At the discretion of the Internal Affairs Unit or assigned investigator, legal counsel representing the subject member may be allowed to be present during the interview. Legal counsel may not interfere with the interview(s).

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Findings and Discipline

212.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure disciplinary actions taken by the Sheriff's Office are corrective in nature, provide a reasonable means for correcting performance, and are consistent with provisions of the Weld County Code.

212.2 REFERENCES

Board of County Commissioners of Weld v. Harold Andrews, Sheriff, 83CA0409; Weld County Code, Chapter 3 Human Resources, Article IV; Weld County Code 3-2-90 (c); WCSO General Order – Use of Accrued Vacation Leave In Lieu of Suspension.

212.3 DEFINITIONS

Complaint– an allegation of any misconduct by a member of the WCSO.

Findings – a conclusion based on analysis of information compiled in an internal investigation using specific evidentiary standard(s).

Findings Report– a report generated by the Administrative Captain detailing their analysis and resulting findings in response to an Internal Investigation.

Internal Investigation – an investigation of a complaint or allegation of misconduct, where a WCSO member is the alleged offending party.

Member– any person employed or appointed by the Weld County Sheriff's Office, including full-time deputies, reserve deputies, civilian employees, contract employees, and volunteers.

Personnel Management Software– a software program used to document an Internal Investigation (Blue Team, Benchmark, etc.).

Range of Discipline Report – a report generated by Internal Affairs detailing a subject members disciplinary history and findings from similar past disciplinary incidents.

Subject Member – the member who is the subject of an investigation.

212.4 FINDING TYPES

Exonerated– an investigative finding or conclusion that an event occurred but the totality of circumstances indicates there was no improper performance or conduct.

Inactivated – an investigative finding when the complainant fails to cooperate or provide enough specific information to conduct an effective investigation. Inactivated investigations are placed on hold pending further information and will be reactivated if actionable information is provided within 30 days.

Not Sustained– an investigative finding or conclusion that an event occurred but the totality of circumstances is insufficient to determine whether improper performance or conduct did, or did not, occur.

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Sustained– an investigative finding or conclusion that an event occurred, and the totality of circumstances indicates improper performance or misconduct was more likely than not.

Unfounded– an investigative finding or conclusion that an event never occurred and has no basis of fact.

212.5 EVIDENCE STANDARDS

Preponderance of the evidence – a burden of proof that requires the evidence to show that a fact or event was “more likely than not” to have occurred. It is commonly held that the preponderance of the evidence standard is defined as at least 51 percent of the evidence shows that a fact or event occurred.

Clear and Convincing evidence – a burden of proof that requires the evidence to show that a fact or event is “substantially more likely than not” to have occurred. This standard is higher than preponderance of the evidence, but it does not rise to the widely recognized standard of beyond a reasonable doubt that is used in criminal cases.

212.6 TYPES OF DISCIPLINE

(a) There are three general categories of disciplinary action that may be taken.
    (a) Discipline that does not affect pay or benefits.
    (b) Discipline that does affect pay or benefits.
    (c) Recommendation for dismissal.

(b) The recommendation for separation of a probationary member from the academy or FTO program, for failure to meet training standards, is not a disciplinary action.

212.7 RANGE OF DISCIPLINE

(a) The Internal Affairs Unit will generate a Range of Discipline report for the Administrative Captain or designee to aid in determining the range of discipline for similar violations.
    (a) The Administrative Captain or designee will consider the totality of circumstances before deciding on or recommending disciplinary action. These circumstances include but are not limited to:
        i. The seriousness of the violation
        ii. Prior work history
        iii. Experience
        iv. Mitigating, or aggravating, circumstances
            1. An effective intervention will be considered a mitigating factor in any discipline.
        v. Member attitude
        vi. The range of prior discipline for similarly situated members with similar violations

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(b) Members holding higher levels of responsibility may be held to higher standards of performance and thus have more severe disciplinary actions imposed than those who hold positions with lesser responsibility.

(c) The disciplinary action will be documented separately from the internal affairs investigation file in the Personnel Management Software.

212.8 DETERMINATION OF FINDINGS FOLLOWING AN INTERNAL INVESTIGATION

(a) Once an internal investigation is completed it will be assigned to the Administrative Captain or their designee for review and determination of appropriate findings.

(a) When reviewing investigations involving allegations of untruthfulness or omissions of material fact, the Administrative Captain or designee will determine findings using the clear and convincing evidence standard.

(b) When reviewing investigations involving allegations of all other misconduct, the Administrative Captain or designee will determine findings using the preponderance of the evidence standard.

(b) The findings will be based on the totality of circumstances and must be one of the following:

(a) Exonerated

(b) Inactivated

(c) Sustained

(d) Not sustained

(e) Unfounded

(c) The Administrative Captain or designee will prepare a findings report identifying the findings of each allegation.

(a) If the findings are sustained, the Administrative Captain or designee will determine disciplinary action or recommend termination to the Sheriff. The subject member’s chain of command will be notified of the findings.

(b) If the findings are anything other than sustained, the Administrative Captain or designee will notify the involved member and their chain of command of the findings.

212.9 DISCIPLINE THAT DOES NOT AFFECT PAY OR BENEFITS

(a) Discipline of this nature can be, but is not limited to; verbal warnings, verbal counseling, written warnings, and written reprimands when an internal investigation is not necessary.

(b) Supervisors have unilateral authority to impose disciplinary action when the action does not involve a loss of pay and/or benefits, or dismissal (verbal warning, verbal counseling, written warning, or written reprimand).

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(c) Supervisors have discretion whether to notify Internal Affairs when issuing a verbal warning or verbal counseling. Written warnings and written reprimands must be provided to Internal Affairs.

(d) Supervisors will serve the verbal warning, verbal counseling, written warning, or written reprimand to the member.

(a) The written warning, or written reprimand will contain a synopsis of the facts and their decision on disciplinary action.

(b) The supervisor will obtain the signature from the member served, or a witness to the service, and date the signature.

(c) Members cannot utilize the grievance process for discipline that does not affect pay or benefits. The supervisor will not reference or give option for use of the grievance process in written warnings or written reprimands.

(d) Provide a copy to the member and forward the original written warning, or written reprimand and supporting documentation to Internal Affairs.

212.10 DISCIPLINE THAT DOES AFFECT PAY AND BENEFITS

(a) Authority is delegated to the Administrative Captain or designee, by the Sheriff, to use professional judgment and appropriate discretion to determine what disciplinary action affecting pay and benefits without dismissal, should be imposed.

(b) When the Administrative Captain or designee determines disciplinary action affecting pay and benefits is appropriate, they will prepare a summary document consisting of:

(a) The Findings Report

(b) The Range of Discipline Report

(c) The Administrative Captain’s decision on disciplinary action

i. The Administrative Captain will serve the subject member with the summary document and obtain their signature or a witness signature to the service and record the date/time of the service.

ii. The Administrative Captain will provide the subject employee with Weld County Code 3-4-60 (Human Resources-Discipline and Grievance-Grievance procedure) and advise the subject member that the five-day clock to file a grievance began upon service.

212.11 RECOMMENDATION FOR DISMISSAL

(a) If the Administrative Captain or designee’s discipline recommendation is dismissal, they will provide the Sheriff or designee with the summary document.

(a) The Sheriff reviews the recommendation for dismissal and determines if a pre-dismissal hearing will be scheduled.

i. If so, service to the member and the pre-dismissal hearing are coordinated by the Internal Affairs Unit.

ii. The Internal Affairs Unit:

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1. Reviews the dismissal recommendation and supporting materials and consults with the Sheriff for scheduling, service, and documentation of pre-dismissal hearings.
2. Consults with the Human Resources, as needed, to support a continuing grievance process.
    (a) Preserves documents related to the disciplinary action in the Personnel Management System.
    (b) Forwards a copy of disciplinary action to Human Resources for the member's file.

(b) Records related to all types of internal investigations are maintained in the exclusive custody and control of the WCSO and the Internal Affairs Unit.
    (a) Access to and release of these records should comply with the Colorado Open Records Act and Colorado Revised Statute §24-72-303(4) (a) through (g).
        i. The Sheriff, or designee, should be notified prior to the release of any IA file requested under the open records act.

212.12 REVOCATION OF POST CERTIFICATION FOR PEACE OFFICERS FOUND TO HAVE MADE UNTRUTHFUL STATEMENTS, AND POST REPORTING REQUIREMENTS

(a) Internal Affairs investigations that include any sustained allegations of a peace officer making untruthful statements or omissions of material fact will be reviewed by the Sheriff, or designee, to determine a finding in relation to CRS §24-31-305 (2.5) (a) (I) and (a) (II).

(b) If the Internal Affairs investigation shows, by clear and convincing evidence, that a peace officer, employed by the WCSO, knowingly made an untruthful statement concerning a material fact, or knowingly omitted a material fact on an official criminal justice record, while testifying under oath, or during an internal affairs or administrative investigation and disciplinary process;
    (a) The WCSO is required to report such fact to the POST Board on a form prescribed by the POST Board.
    (b) Upon notification, per CRS §24-31-305, the POST Board shall notify the peace officer of his/her right to request a "show cause hearing."
        i. If the POST Board revokes the peace officer's POST certification, the revocation can be appealed to the POST Board, by the member.

(c) Nothing in CRS §24-31-305 prohibits the lawful use of deception or omission of fact by a peace officer while he or she is investigating criminal activity.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every deputy of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Deadly Physical Force - Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death. (CRS § 18-1-901)

Excessive force - The use of more force than is objectively reasonable under the circumstances to accomplish a lawful purpose.

Less-lethal force – Any application of force that is neither reasonably anticipated to cause, nor intended to create, a substantial likelihood of death or serious bodily injury.

Use of Force - Any application of physical techniques or tactics, chemical agents, specialty tools, or weapons directed to another person, for the purposes of effecting an arrest, preventing an escape or preventing an imminent threat of serious bodily injury or death to the peace officer or another person. This includes pointing the weapon directly at the person. It is not a use of force when a weapon is displayed or when a deputy uses control holds for directing and guiding a compliant individual.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Weld County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Prior to resorting to the use of force, deputies should, when practicable, attempt verbal persuasion, orders or other tactics to avoid or mitigate the need for forceful action.

Force shall never be used as punishment or retaliation.

Nothing in this policy is intended to require that force options be used in a particular order. However, the force option used must be objectively reasonable under the circumstances to accomplish a lawful objective.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to deputies or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.

(c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of drugs or alcohol.

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(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the deputy.

(k) Potential for injury to deputies, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.2 USE OF FORCE TO EFFECT AN ARREST OR PREVENT AN ESCAPE

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

When physical force is used, a peace officer shall:

(a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense:

(b) Use only a degree of force consistent with the minimization of injury to others;

(c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

(d) Ensure that any identified relative or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

A peace officer is prohibited from using a chokehold upon another person.

(a) For the purposes of this subsection, "chokehold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air.

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(b) "Chokehold" also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

(a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

(b) The suspect poses an immediate threat to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

A peace officer shall identify himself or herself as a peace officer and give clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, would create a risk of death or injury to other persons.

Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or receiving serious bodily injury.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. While serving a search warrant, deputies are authorized to use such force as is reasonably necessary in the performance of the duties commanded by the warrant. C.R.S. § 16-3-304.

300.4 EXCESSIVE FORCE

Pursuant to CRS § 18-8-802 (1.5)(a), a peace officer who witnesses another peace officer use physical force that exceeds the degree of physical force permitted pursuant to CRS § 18-1-707 must report the excessive use of force to the officer’s immediate supervisor.

300.4.1 DUTY TO INTERVENE

Any deputy present and observing another peace officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intervene to stop the continued use of unreasonable force and to prevent a subsequent use of unreasonable force.

300.4.2 REPORTING EXCESSIVE FORCE

Every deputy who witnesses another peace officer using force in excess of that permitted by statute (CRS § 18-1-707) must, without delay, verbally report the incident to his or her immediate supervisor. The reporting deputy must affirmatively state that he or she perceived the use of force as excessive.

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(a) **Although State statute requires that this report be made in writing within 10 days of occurrence, deputies of this Office shall make such written report prior to going off-duty, unless otherwise directed by a supervisor.

1. The report shall include the date, time and place of the occurrence, the identity, if known, description of the participants, and a clear, concise description of the events and the force used.

(b) In instances of suspected excessive force, notification shall be made to Office Executive Staff and Internal Affairs.

300.5 REPORTING THE USE OF FORCE

Every deputy use of force is an incident that shall be reported. Any deputy who uses force and any deputy directly observing the incident shall make a verbal report to a supervisor as soon as practicable and shall submit all requested documentation prior to going off-duty, unless directed otherwise by a supervisor.

The documentation will reflect the actions and responses of each deputy participating in the incident, as witnessed by the reporting deputy. To collect data for purposes of training, resource allocation, analysis and related purposes, the Office may require the completion of additional report forms, as specified in office policy, procedure or law.

The report should include:

(a) A clear, detailed description of the incident, including any application of weapons or restraints.

(b) The identity of all individuals involved in the incident (e.g., subject, staff, others).

(c) The specific reasons for the application of force.

(d) The threat as perceived by the staff involved.

(e) Efforts made to temper the severity of a forceful response, and if there were none, the reasons why.

(f) Description of any injuries to anyone involved in the incident, including the result of any medical checks that show the presence or absence of injury.

- Data to be included:
    - Time in restraints
    - Injuries
        - Deputy
        - Citizen
        - Suspect
    - Photographs
    - Medical Treatment
    - Witness Statement

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- Damage to property

The supervisor responsible for gathering the reports may allow a reasonable delay in preparation of a report in consideration of immediate psychological and/or physical condition of the involved deputy.

300.6 MEDICAL CONSIDERATION

Subsequent to any use of force, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, or hospital staff. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and body worn camera recordings and, whenever practicable, should be witnessed by another officer and/or medical personnel.

The on-scene supervisor, or if not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage nearby until the scene is safe.

300.7 SUPERVISOR RESPONSIBILITY

The Shift Sergeant shall review all related reports of use of force incidents occurring on his/her command. The review is to determine whether the use of force was in compliance with policy, procedure and applicable law, and to determine if follow-up action or investigation is necessary. The Shift Sergeant should also ensure that a use of force report is prepared and forwarded to Internal Affairs via the chain of command.

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine use of force report, completed in the normal course of duties.

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(b) Ensure that any injured parties are examined and treated.

(c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be included in the use of force report.

(d) Identify any witnesses not already included in related reports.

(e) Review and approve all related reports.

(f) Evaluate the circumstances surrounding the incident and contact the Internal Affairs Unit, if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit

300.8 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others. A deputy is justified in using deadly physical force if the deputy has an objectively reasonable belief that a lesser degree of force is inadequate and the deputy has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.

Unless a deputy has special training and is using a vehicle interdiction weapon, deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.9 TRAINING

The Training Sergeant ensures legal and agency training mandates are met. This training should include the following:

(a) Use of force

(b) Weapons training

(c) Defensive tactics

(d) Confrontation avoidance procedures:

i. Communication techniques

ii. De-escalation techniques

iii. Dealing with the mentally ill

iv. Application of restraints

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(e) General restraint training (soft and hard restraints)

(f) Reporting procedures

300.9.1 PERIODIC TRAINING

Supervisors should conduct, and document, regular periodic briefings concerning this policy and the storage and use of weapons and control devices. Any test sheets or documentation of performance should be forwarded to the Training Sergeant to be included in the employee's training record.

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Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Weld County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and office training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Weld County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, deputies should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of deputies and others. When deciding whether to remove restraints from a detainee, deputies should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the detainee, deputies, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the deputy reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Deputies utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Deputies should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Deputies should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

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301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg restraints and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Office shall be used.

In determining whether to use the leg restraint, deputies should consider:

(a) Whether the deputy or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting deputy while handcuffed, kicking at objects or deputies).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, deputies should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on their stomach.

(e) The deputy should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

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301.8 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the deputy shall document the details of the detention and the need for handcuffs or other restraints.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The deputy should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.

301.9 USE OF PRONE RESTRAINT

Consistent with training, to reduce the risk of asphyxiation while restraining an individual in a prone position, (CRS § 18-1-707):

(a) Deputies should, as soon as safe and feasible after handcuffing or otherwise restraining a person in the prone position, roll the person to the side and move the person to an upright position that does not impede the mechanism of normal breathing, unless the person is unconscious.

(b) Deputies should use a stepped process to move a person to standing (i.e., moving the person gradually from the prone position by transitioning through side, sitting, and kneeling positions before assisting them to stand).

(c) Deputies should not put prolonged pressure on the individual's chest, neck, head, or back, including by sitting, kneeling, or standing. Application of such force shall end as soon as the person is restrained. Other control tactics may be employed to counter ongoing resistance.

(d) Deputies should continuously monitor the person's condition while in prone restraint. Monitoring includes but is not limited to assessing the adequacy of the individual's breathing, color, and any impairment as verbalized by the individual.

(e) The ranking deputy shall, whenever possible, designate a safety officer during team restraint. If the safety officer becomes aware of an issue with the person's breathing or color or of any impairment, the safety officer shall inform the ranking deputy. The safety officer shall monitor the health and welfare of the person until either:

    1. Responsibility is transferred to a health care professional (e.g., emergency medical technician (EMT), paramedic).

    2. The person is placed in a seated position in a transport vehicle and verbalizes to the safety officer that the person feels well, and the person appears to the safety officer to be well and speaking normally.

Once it is reasonably safe to do so, medical assistance shall be provided or obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of

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physical distress after an encounter should be continuously monitored until the individual can be medically assessed. See the Medical Aid and Response Policy for additional guidance.

Members shall not transport a person while they are restrained in the prone position.

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Control Devices and Techniques

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Weld County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 DEFINITIONS

Cruiser Ready Condition: A status of weapon readiness (shotgun/rifle) where the weapon is stored in a ready to use condition. Typically the weapon will be stored with:

(a) Chamber empty

(b) Bolt forward

(c) Safety on

(d) Magazine tube loaded or a fully loaded magazine in the magazine well

302.4 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this office only if the device has been issued by the Office or approved by the Sheriff or the authorized designee.

Only deputies who have successfully completed office-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, deputies should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.5 RESPONSIBILITIES

302.5.1 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

302.5.2 QUARTERMASTER RESPONSIBILITIES

The Quartermaster or their designee, shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

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Every control device will be periodically inspected by the Quartermaster, or the designated instructor for a particular control device. The inspection shall be documented.

302.5.3 USER RESPONSIBILITIES
All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Quartermaster, or their designee, for disposition. Damage to County property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

302.6 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

302.7 CHEMICAL AGENT GUIDELINES

In response to a protest or demonstration, members shall not:

(a) Discharge kinetic impact projectiles and all other non or less-lethal projectiles in a manner that targets the head, pelvis, or back:

(b) Discharge kinetic impact projectiles indiscriminately into a crowd; or

(c) Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.

Chemical agents may be used for riot control, riot dispersal or against barricaded suspects based on the circumstances. Only a supervisor may authorize the delivery and use of a chemical agent, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to control any fires and to assist in providing medical aid or chemical agent evacuation if needed.

Chemical agents should only be deployed by personnel who have been trained in the appropriate use and deployment of such agents.

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302.8 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

302.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

302.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others. Pepper projectile systems should only be deployed by personnel who have been trained in the appropriate use and deployment of such systems.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

302.8.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.9 POST-APPLICATION NOTICE

Whenever chemical agent or OC has been introduced into a residence, building interior, vehicle or other enclosed area, deputies should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner’s expense.

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Information regarding the method of notice and the individuals notified should be included in related reports.

302.10 KINETIC ENERGY PROJECTILE GUIDELINES

This office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.10.1 DEPLOYMENT AND USE

Only office-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or deputies.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.10.2 DEPLOYMENT CONSIDERATIONS

Kinetic energy projectiles should only be used by personnel who have been trained in the appropriate use and deployment of such projectiles.

302.10.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Deputies will inspect the shotgun and projectiles prior to loading to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects. Deputies shall visually inspect the kinetic energy projectile to ensure that conventional ammunition is not being loaded into the shotgun.

When it is not deployed, the shotgun will be kept in cruiser ready condition and properly and securely stored in the vehicle.

Deputies shall not load conventional ammunition in shotguns specially marked and designated to fire kinetic energy projectiles.

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302.10.4 PROTEST OR DEMONSTRATION CONSIDERATIONS

In response to protests or demonstrations, deputies should not discharge kinetic energy projectiles in a manner that intentionally targets the head, neck, pelvis, or back of any person (CRS § 24-31-905).

Deputies shall not indiscriminately discharge kinetic energy projectiles into a crowd (CRS § 24-31-905).

302.11 NOISE/FLASH DISTRACTION DEVICES

Noise/flash distraction devices, sting ball devices, chemical munitions and similar devices shall be used only at the direction of a supervisor and only by staff who have been trained in and are qualified for the use of the devices. The application of these devices should be based on the resistance encountered, totality of the circumstances and any safety concerns presented at the time of the use of force.

302.12 TIRE DEFLATION DEVICES

A device designed to puncture the tires of a vehicle, causing the tires to slowly deflate. These devices are typically used in pursuit intervention, but may be used to prevent pursuits from beginning, when deployed under a stationary vehicle. Tire deflation devices shall be used in accordance with the Vehicle Pursuits policy.

302.13 HEAVY BARRIER AND VEHICLE INTERDICTION WEAPON

A.50 caliber rifle with armor piercing ammunition that is primarily used to penetrate heavy barriers or disable a vehicle that other intervention techniques are ineffective against. This weapon is used only in deadly force encounters due to the probability of serious bodily injury, or death, resulting from the use. The weapon can only be deployed with a 2-man team, by personnel who have received the requisite training and authorization of supervisory staff.

302.14 CAROTID RESTRAINT

Deputies are prohibited from using a choke-hold upon another person

A "choke-hold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air. "Choke-hold" also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

302.15 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed office-approved training. Deputies utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

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(b) Whether the person can comply with the direction or orders of the deputy.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

302.16 TRAINING FOR CONTROL DEVICES AND TECHNIQUES

The Professional Standards Unit shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the deputy's training file.

(c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

302.17 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the relevant agency Policy.

302.18 ADDITIONAL CHEMICAL AGENT DEPLOYMENT CONSIDERATIONS

In response to a protest or demonstration, deputies shall not use any chemical agents, including pepper spray or tear gas, without first issuing an order to disperse. The order shall be given in a reasonably sufficient manner to be heard, and repeated if necessary, and followed by sufficient time and space to allow compliance with the order (CRS § 24-31-905).

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Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed office-approved training may be issued and may carry the CED.

The Quartermaster should keep a log and serial numbers of issued CED devices.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the office inventory.

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a weak-side, cross draw holster on the side opposite the duty weapon.

(a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.

(b) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

303.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift. Batteries should be docked every 30 days to ensure proper charge and that the CED is receiving firmware updates.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Quartermaster for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other deputies and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, utilize a warning alert, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the deputy deploying the CED in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, deputies should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

(a) Is violent or is physically resisting.

(b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themself, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the deputy, the subject, or others, and the deputy reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

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(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

(a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

(b) Whether the probes are making proper contact.

(c) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(d) Whether verbal commands or other options or tactics may be more effective.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry office CEDs while off-duty.

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Deputies shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime and Use of Force reports. When practicable, photographs should be taken of any obvious probe impact sites and included in the Use of Force report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person,will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using anoffice-approved process to preserve the data.

303.6.1 REPORTS

The deputy should include the following in the arrest/crime report:

(a) Identification of all personnel firing CEDs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication, or other medical problems

303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or deputies trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e. more than 15 seconds) shall be transported to a medical facility for examination or medically

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evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another deputy and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by an Office CED Armorer and saved with the related Use of Force report. The supervisor should arrange for photographs of probe sites to be taken and included in the related Use of Force report. -.

303.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Sergeant. All training and proficiency for CEDs will be documented in the deputy's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

The Training Sergeant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Sergeant should include the following training:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.

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(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.

(e) Scenario-based training, including virtual reality training when available.

(f) Handcuffing a subject during the application of the CED and transitioning to other force options.

(g) De-escalation techniques.

(h) Restraint techniques that do not impair respiration following the application of the CED.

(i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.

(j) Proper tactics and techniques related to multiple applications of CEDs.

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Officer-Involved Shootings

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer-involved shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

304.2 TYPES OF INVESTIGATIONS

Officer-involved shootings involve several separate investigations. The investigations may include:

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This office may, however, relinquish its criminal investigation to an outside agency with the approval of the Sheriff or the authorized designee.

(b) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This office may request that the criminal investigation be conducted by an outside agency with the approval of the Sheriff or the authorized designee.

(c) A criminal investigation of the involved officer conducted by an outside agency.

(d) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Office policy.

304.3 JURISDICTION

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

304.3.1 WELD COUNTY SHERIFF'S OFFICE DEPUTY WITHIN THIS JURISDICTION

The Weld County Sheriff's Office is responsible for the criminal investigation of the suspect's actions, the civil investigation and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by the 19th Judicial Critical Response Team (CIRT). In some instances and at the discretion of the Sheriff, or his designee, an uninvolved outside law enforcement agency may be requested to conduct the investigation.

304.3.2 OUTSIDE AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Weld County Sheriff's Office is responsible for the criminal investigation of the suspect's actions. The criminal investigation of the officer-involved shooting will be conducted by the CIRT. The officer's employing agency will be responsible for any civil and/or administrative investigation.

304.3.3 WELD COUNTY SHERIFF'S DEPUTY IN ANOTHER JURISDICTION

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

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304.3.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings.

	Criminal Investigation of suspect	**Criminal Investigation of officer**	**Administrative/Civil Investigation**
WCSO Deputy in this jurisdiction	WCSO Detectives	CIRT	WCSO Internal Affairs Unit
Outside agency's officer in this jurisdiction	WCSO Detectives	CIRT	Involved officer's agency
WCSO Deputy in another jurisdiction	Agency where incident occurred	Decision made by agency where incident occurred	WCSO Internal Affairs Unit

304.4 THE INVESTIGATION PROCESS

The following procedures are guidelines for use in the investigation of an officer-involved shooting.

304.4.1 DUTIES OF INITIAL OFFICER ARRIVING ON-SCENE

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

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

(b) Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.

(c) Coordinate a perimeter or pursuit of suspects as appropriate.

(d) Request additional resources, units or agencies as appropriate.

(e) Brief the supervisor upon arrival.

304.4.2 DUTIES OF INITIAL ON-SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any non-shooter officers. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(b) If necessary, the supervisor may administratively order any deputy from this office to immediately provide the information necessary to secure the scene and pursue suspects. This would include such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(c) Absent a voluntary statement from any deputy, the initial on-scene supervisor should not attempt to order any deputy to provide any information other than public safety information.

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(d) Provide all available information to the Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

(e) Take command of and secure the incident scene with additional personnel until relieved by a Detective Unit supervisor or other assigned deputies.

(f) If possible, assign an escort deputy to each shooter deputy.

(g) As soon as practicable, shooter deputies should respond or be transported (separately, if feasible) to the station or away from the scene to a designated location free from the distractions of the investigative process for further direction.

1. Each involved deputy should be given an administrative order not to:

(a) Discuss the incident with other involved deputies pending further direction from a supervisor.

(b) Alter their equipment or appearance pending further direction from a supervisor.

(c) View any video or audio recording of the incident pending further direction from a supervisor.

304.4.3 SHIFT COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until relieved.

304.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff (via the chain of command)
- CIRT Coordinator or Team Leader
- Investigations Division Sergeant
- Outside agency investigators (if appropriate)
- Internal Affairs Sergeant
- Psychological/peer support personnel
- Coroner (if necessary)
- Officer representative (if requested)
- Public Relations Officer

All outside inquiries about the incident shall be directed to the Shift Sergeant or PRO as deemed appropriate.

304.4.5 MEDIA RELATIONS

A single media release shall be prepared with input and concurrence from the CIRT and the agency representative responsible for each phase of the investigation. This release will be available to

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the Staff and maintained by the Public Relations Officer in the event of multiple inquiries from the media.

No involved deputy shall be subjected to contact from the media and no involved deputy shall make any comments to the press unless authorized by the Sheriff or his designee.

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

304.4.6 INVOLVED OFFICERS

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

(a) Any request for legal representation will be accommodated.

(b) While discussions with licensed attorneys will be considered privileged as attorney-client communications, no involved deputy shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report.

(c) Discussions with Office representatives (e.g., peer support counselor) will be privileged only as to the discussion of non-criminal information. However, no involved deputy shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report.

(d) A psychologist or other psychotherapist shall be provided by the Office to each involved deputy or any deputy upon request.

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the deputy is fit for return to duty.

    2. If an interview or session with a licensed psychotherapist takes place prior to the involved deputy providing a formal interview or report, the involved deputy shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(e) Although the Office will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness deputy.

The Office does not allow involved deputies to access video/audio recording of the incident prior to the completion of all investigations related to this policy.

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

Detectives shall make reasonable accommodations to the deputy's physical and emotional needs.

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Paid administrative leave shall be considered on a case by case basis following an officer-involved shooting. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

304.5 SHOOTING INCIDENT CRIMINAL INVESTIGATION

304.5.1 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting, it shall be the responsibility of the Detective Unit supervisor to assign appropriate personnel to handle the investigation of related crimes. Detectives will be assigned to work with those from an outside agency should the investigation be assumed by another agency, and may be assigned to separately handle the investigation of any related crimes that are not being investigated by the outside agency.

All related reports, except reports deemed confidential and/or administrative, will be forwarded to the designated supervisor for approval. Confidential reports shall be maintained exclusively by personnel who are authorized for such access. Administrative reports will be forwarded to the appropriate persons.

304.5.2 CRIMINAL INVESTIGATION

This office may utilize an outside agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

If available, investigations personnel from this office may be assigned to partner with investigators from the outside agency to avoid duplicate efforts in related criminal investigations.

Once public safety issues have been addressed, detectives will be given the next opportunity to interview an involved deputy in order to give the deputy the opportunity to give a voluntary statement. The following shall be considered for the involved deputy:

(a) Except for personnel assigned to the CIRT, Supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of the deputy. This will not prohibit such personnel from monitoring interviews or indirectly providing areas for inquiry.

(b) If requested, any involved deputy will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal detectives. However, in order to maintain the integrity of each individual deputy's statement, the involved deputy shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(c) Any voluntary statement provided by the deputy will be made available for inclusion in the administrative or other related investigations.

(d) Absent consent from the involved deputy or as required by law, no administratively coerced statement will be provided to any criminal detectives.

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304.5.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or are subject to prosecution for related offenses, this office shall retain the authority to require the involved deputy to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved deputy may write the report, it is generally recommended that such reports be completed by assigned detectives, who should interview the involved deputy as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of an involved deputy should focus on evidence to establish the elements of criminal activities by the involved suspects. Care should be taken not to duplicate information provided by an involved deputy in other reports.

Nothing in this section shall be construed to deprive an involved deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures and should also be included for reference in the investigation of the officer-involved shooting.

304.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from persons who claim they did not witness the incident but were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, a deputy should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where detectives may obtain a recorded statement. Such witnesses, if willing, may be transported by Office personnel.

1. A written, verbal or recorded statement of consent for transportation should be obtained prior to transporting a witness in an Office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this office will conduct an internal administrative investigation to determine conformance with Office policy.

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This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential peace officer personnel file.

(a) Any deputy involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any deputy has voluntarily elected to provide a statement to criminal detectives, the assigned administrative investigator should review that statement before proceeding with any further interview of the involved deputy.

1. If a further interview of the deputy is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved deputy may be provided with a copy of his/her prior statement before proceeding with any subsequent interview.

(c) In the event that an involved deputy has elected not to provide criminal detectives with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.

2. If requested, the deputy shall have the opportunity to select three uninvolved representatives, which may include legal representation, to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, an involved deputy shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.

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

5. The administrative interview shall be considered part of the deputy's administrative investigation file.

6. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.

7. Potential policy violations shall be determined in accordance with standard disciplinary procedures.

8. The administrative investigation may utilize a truth verification device examination with the authorization of the Sheriff.

(d) OIS Administrative Leave Form: See attachment: Admin Leave Notice - OIS 2024.pdf

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304.8 CIVIL LIABILITY RESPONSE

A deputy of this office may be assigned to work exclusively under the direction of the legal counsel for the Office to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation. However, persons preparing the response shall be given reasonable access to all other investigations.

304.9 POST-INCIDENT SERVICES FOR FAMILY

The family members and significant others of a deputy who has been involved in a shooting or deadly use of force should be provided, as office resources reasonably allow (CRS § 16-2.5-403):

(a) At least one confidential post-incident meeting with a qualified mental health professional (CRS § 16-2.5-402) in a timely manner following the incident, including through telehealth services.

(b) Ongoing confidential mental health services from a qualified mental health professional (CRS § 16-2.5-402) as needed, including through telehealth services.

(c) Peer support, including office peer support or online or telehealth peer support.

304.10 PROTOCOLS FOR RETURN TO DUTY

The Office shall take steps to facilitate returning deputies back to their duty assignments following their involvement in a shooting or deadly use of force, taking into consideration the Office's size and resources (CRS § 16-2.5-403).

304.10.1 REINTEGRATION

Taking into account that involved deputies may experience psychological, physical, or emotional reactions, the Office shall implement a reintegration plan that considers having the deputy:

(a) Return to the scene of the incident.

(b) Fire the deputy's weapon at the range.

(c) Participate in graded re-entry with a companion deputy or peer support deputy of the deputy's choosing.

304.10.2 ONGOING SUPPORTIVE MENTAL HEALTH SERVICES

A deputy who has been involved in a shooting or deadly use of force shall be provided ongoing supportive mental health services, including confidential follow-up by a qualified mental health professional (CRS § 16-2.5-402), either in person or through telehealth services.

304.11 POLICY REVIEW

The Office shall review this policy biennially and make any necessary updates to reflect current best practices and available resources (CRS § 16-2.5-403).

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Deputy Response to Calls

305.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

305.2 RESPONSE TO CALLS

Deputies responding to any call shall proceed with due regard for the safety of all persons and property.

Deputies not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

Deputies responding to a call as an emergency response shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (CRS § 42-4-108(3) and CRS § 42-4-213).

Responding with emergency lights and siren does not relieve a deputy of the duty to drive with due regard for the safety of all persons and property and does not protect the deputy from the consequences of reckless disregard for the safety of others (CRS § 42-4-108(4)).

The use of any other warning equipment without emergency lights and siren does not generally provide an exemption from the vehicle laws (CRS § 42-4-108(3)).

Deputies should only respond to a call as an emergency response when so dispatched or when responding to circumstances the deputy reasonably believes involves the potential for immediate danger to persons or property. Examples of such circumstances may include:

- A deputy who requires urgent assistance.
- A burglary in process that appears to involve a threat to any person's safety.
- A robbery in progress.
- A person brandishing a weapon.
- An apparent homicidal situation.
- A suicide in progress.
- A fight, riot or other large disturbance involving injuries.
- An assault or other act of violence in progress.
- A domestic dispute where injury is reasonably believed to be imminent, or has just occurred and the suspect is present.
- A kidnapping in progress.
- A traffic collision with injuries reported, or other event involving a serious injury or the possibility of injury that may reasonably require immediate medical aid.

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305.3 REQUESTING EMERGENCY ASSISTANCE

Deputies may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of deputies, or assistance is needed to prevent imminent serious harm to a citizen.

If a Deputy feels that they are in immediate need of assistance to protect their own safety, the announcement of a "Code 5" shall signify that they are in distress and need immediate assistance.

If circumstances permit, the requesting deputy should give the following information:

- The unit number.
- The location.
- The reason for the request and type of emergency.
- The number of units required.

Where a situation has stabilized and emergency response is not required, the requesting deputy shall promptly notify Dispatch.

305.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Shift Sergeant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

305.4 INITIATING EMERGENCY CALL RESPONSE

If a deputy believes an emergency response to any call is appropriate, the deputy shall immediately notify the Shift Sergeant or supervisor . An emergency response of any unit should initiate notification of and coordination by Dispatch to avoid any unanticipated intersecting of response routes.

The Shift Sergeant or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

305.5 RESPONSIBILITIES OF THE RESPONDING DEPUTY

Deputies shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response deputies may (CRS § 42-4-108(2)):

(a) Disregard regulations governing parking or standing when using a warning lamp.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

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The decision to continue as an emergency response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the deputy may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the deputy should immediately notify Dispatch. A deputy shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, a deputy shall immediately give the location from which he/she is responding.

The first deputy arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify Dispatch of their determination. Any subsequent change in the appropriate response level should be communicated to Dispatch by the deputy in charge of the scene unless a supervisor assumes this responsibility.

305.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

While performing certain emergency response tasks, the use of emergency lights or sirens may increase the danger to the responding deputies or the public. In the following circumstances, deputies may consider the appropriateness of an emergency response without siren, emergency lights or both:

(a) A deputy is attempting to confirm his/her suspicion that a driver has violated the traffic code (CRS § 42-4-108(3)).

(b) An emergency response requires an element of stealth that would be defeated by the use of emergency lighting or siren. This response should use a siren and emergency lights until a stealth response without lights and siren is required, and the response should then continue accordingly.

Any emergency response without the use of emergency lights and siren shall be conducted with due regard for the safety of the public and property and the recognition that such a response may not provide an exemption from the vehicle laws (CRS § 42-4-108(3)).

Any emergency response without the use of lights or siren shall cease if the circumstances no longer warrant such a response.

305.6 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Sergeant or the field supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the

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supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Sergeant or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

305.7 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the deputy must terminate the emergency response and continue accordingly.

The deputy shall notify the Shift Sergeant, field supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

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Canine Program

306.1 PURPOSE AND SCOPE

The canine program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used to supplement law enforcement operations to locate individuals, contraband and to apprehend criminal offenders.

306.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used in the investigation of a crime or possible crime, in the execution of a warrant, and to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any deputy or the handler.

(b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

(d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing deputy shall not serve as good cause for the use of a canine to apprehend an individual.

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be leashed or otherwise secured as soon as it becomes reasonably practical.

306.2.1 PREPARATIONS FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on-scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

(a) The individual's perceived age.

(b) The nature of the suspected offense.

(c) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(d) The degree of resistance or threatened resistance, if any, the subject has shown.

(e) The potential for escape or flight if the canine is not utilized.

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(f) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine handler shall have the ultimate authority not to deploy the canine. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the canine shall remain with the handler. However, a supervisor sufficiently apprised of the situation may decide not to deploy the canine.

306.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth shall be made prior to releasing a canine.The canine handler, when practicable, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine.In the event of an apprehension, the handler shall document in any related report whether a verbal warning was given and, if none was given, the reasons why.

306.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service.

(b) To obtain a search warrant by using the detection canine in support of probable cause.

(c) To search vehicles, buildings, bags and any other articles as deemed necessary.

(d) A narcotic detection-trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics, or a physical barrier exists which would not allow the K9 to have contact with the person.

306.2.4 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively utilized to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

(a) Absent a change in circumstances that present an imminent threat to deputies, the canine or the public, such applications should be conducted on-leash or under such conditions that the canine will not bite or otherwise injure the individual, if located.

(b) Throughout the deployment of the canine in such circumstances, the handler should give periodic verbal assurances that the canine will not bite or hurt the person.

(c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

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(d) Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

306.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a report of the incident shall be completed by the handler and turned in before going off-duty.

Whenever the use of the canine results in a bite or any injury, a report of the incident shall be completed and included along with any pertinent use of force report. Canines controlled by peace officers are exempt from regulatory action relating to bites.

Color photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures.

The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody, a deputy should remain with the suspect until treatment has been rendered.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

306.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the shift sergeant.

Medical care for any injured canine shall follow the protocol established in this policy.

The injury will be documented appropriately.

306.2.7 ASSIGNMENT OF CANINES

The canine teams shall be assigned to the patrol division to supplement and assist the patrol division.

Canine teams should function primarily as cover units. However, they are likely to be assigned to other functions based on the needs of the watch at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time, if possible, unless it is necessary to meet the needs of the watch.

306.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the office are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Sheriff's Office shall go through the canine unit sergeant or the shift sergeant.

306.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The shift sergeant or the canine unit sergeant must approve all requests for canine assistance from outside agencies subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

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(b) The handler has the ultimate authority to decide whether the canine is to be used for a specific assignment.

(c) Canine teams shall not be called out while off-duty or used outside the jurisdiction of the Weld County Sheriff's Office unless authorized by the shift sergeant or the canine unit sergeant.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

306.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the canine unit sergeant prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the canine unit sergeant.

306.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

(a) The handler is a Weld County Sheriff's Office deputy currently off initial review.

(b) The handler resides in an adequately fenced, single-family residence (minimum 5-foot high fence or 6 foot enclosed kennel with locking gates).

(c) It is preferred that the handler lives within Weld County.

(d) The handler agrees to be assigned to the position for a minimum of three years.

306.5 CANINE HANDLER RESPONSIBILITIES

306.5.1 AVAILABILITY

The handler shall be available for call-out under conditions specified by the canine unit sergeant.

306.5.2 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.

(c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Sheriff's Office facility.

(d) Handlers shall permit the canine unit sergeant to conduct spontaneous on-site inspections of affected areas of their residence, as well as the canine vehicle, to verify that conditions and equipment conform to this policy.

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(e) Any changes in living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine unit sergeant as soon as possible.

(f) When off-duty, canines shall be maintained in kennels at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine unit sergeant or shift sergeant.

(h) When off-duty, handlers shall not involve their canines in any activity or conduct other than training unless approved in advance by the canine unit sergeant or shift sergeant.

(i) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine unit sergeant so that appropriate arrangements can be made.

306.5.3 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public.Exceptions to this rule would include specific law enforcement operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine.The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

306.5.4 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine, in accordance with the Fair Labor Standards Act.

306.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided within this policy.

306.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the canine unit sergeant.

Any indication that a canine is not in good physical condition shall be reported to the canine unit sergeant or shift sergeant as soon as practicable.

306.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the canine unit sergeant as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. if the handler and canine are out of the area, the handler may use the nearest available veterinarian.

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306.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current recognized national standards or the vendor's standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics shall be trained and certified to meet a nationally recognized standard or vendor standards established for such detection canines. Canine teams may not be used outside the scope of their certification unless under extreme emergency circumstances and with supervisor approval.

The canine unit sergeant shall be responsible for scheduling periodic training for all office personnel in order to familiarize them with how to conduct themselves in the presence of canines.

306.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or the vendor's standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams shall receive training to a current nationally recognized standard by the Office's canine trainer.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine unit sergeant.

(c) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the canine unit sergeant or shift sergeant.

306.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. If the team has a single certification, when reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

306.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training files.

306.8 CANINE UNIT SERGEANT RESPONSIBILITIES

The canine unit sergeant shall be appointed by the staff and shall supervise the canine program. The canine unit sergeant is directly responsible to the assigned lieutenant or captain. The canine unit sergeant shall be responsible for, but not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining liaison with vendor kennels.

(c) Maintaining liaison with administrative staff and functional supervisors.

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(d) Maintaining liaison with other agency canine sergeants.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of needed equipment and services for the unit.

(g) Being responsible for scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

306.9 CONTROLLED SUBSTANCE TRAINING AIDS

Controlled substance training aids are required to effectively train and maintain drug detection dogs. Controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

The Sheriff, or authorized designee, at his/her discretion, may authorize an employee to:

(a) Seek a Drug Enforcement Administration (DEA) registration.
    (a) Which specifically authorizes the recipient to possess controlled substances;
        i. While providing substance abuse training to law enforcement.
        ii. While providing substance abuse training to the community.
        iii. While providing canine drug detection training.

(b) Request narcotics training aids.
    (a) The Sheriff, or an authorized designee, may request controlled substance training aids, for providing substance abuse training or canine drug detection training, from the DEA by filling out the DEA-225 form found on the DEA website.

(c) Seek a court order to allow controlled substances from a completed criminal case to be transferred to the Sheriff's Office, provided that;
    (a) The controlled substances are no longer needed as criminal evidence.
    (b) The person receiving the controlled substances possesses a current and valid DEA registration.

All necessary controlled substance training aids shall be acquired from outside agencies authorized to provide controlled substance training aids or from evidence personnel.

(a) Upon receipt, all controlled substance training aids shall be weighed and presumptively tested prior to the first use.

(b) The weight and test results shall be recorded and maintained by the professional standards lieutenant, with a copy provided to the canine training sergeant.

In accordance with 21 USC 802 (21) a canine handler is deemed to be a researcher and is subject to registration and licensing requirements. This applies to any duly-authorized peace officer, or

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civilian drug-detection canine trainer, working under the direction of the Weld County Sheriff's Office.

306.9.1 PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedures shall be strictly followed:

1) The professional standards lieutenant and the canine training sergeant will conduct an annual audit. All controlled substance training aids will be inspected, weighed, and presumptively tested on an annual basis. The results of the annual testing shall be recorded and maintained by the professional standards lieutenant and a copy will be forwarded to the canine training sergeant.

2) The canine unit trainer shall conduct a visual inspection of all controlled substances on a monthly basis. The trainer shall record the results of the visual inspection in the canine handler's training log. The theft, loss, damage or tampering of the controlled substance shall be immediately reported to the canine unit sergeant and the professional standards lieutenant.

3) All controlled substance training aids will be stored in airtight and watertight cases at all times, except during training. The cases shall be stored in the designated, locked safe.

(a) There are no exceptions to this procedure.

(b) The individual who signs the training aids out for a training event is responsible:

i. To ensure the training aids are returned in the same condition as when they were checked out.

ii. Or to document any changes to the condition of the training aids.

4) The canine training sergeant shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

5) Any unusable controlled substance training aids shall be documented as unusable and destroyed according to agency policy 804.7.1 (Exceptional Dispositions).

(a) A copy of the form DEA-41 (Registrant's Inventory of Drugs Surrendered) must be submitted to the DEA Laboratory before new training aids will be supplied.

306.9.2 PHYSICAL SECURITY AND CONTROL OF CONTROLLED SUBSTANCES USED FOR TRAINING

All controlled substance training aids, received from an authorized outside agency, or pursuant to a court order, shall be stored pursuant to the requirements in 21 CFR 1301.72.

1) Controlled substance training aids shall be stored in a safe, or steel cabinet;

(a) With the following specifications, or equivalent:

i. 30 man-minutes against surreptitious entry

ii. 10 man-minutes against forced entry

iii. 20 man-minutes against lock manipulation

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iv. 20 man-minutes against radiological techniques

(b) That is bolted or cemented to the floor or wall in such a way that it cannot be readily removed, if it weighs less than 750 pounds.

(c) That is located in a storage area that is accessible only to an absolute minimum number of specifically authorized personnel.

2) All controlled substance training aids will be returned to the storage area at the completion of each training event.

306.9.3 NOTIFICATION REQUIREMENTS OF THEFT OR LOSS OF CONTROLLED SUBSTANCES USED FOR TRAINING

1) Records shall be kept regarding any loss of or damage to the controlled substance training aids.

(a) Pursuant to 21 CFR 1301.76, the registrant shall notify the Field Division Office of the Administration in the area, in writing, of the theft or significant loss of any controlled substances within one business day of discovery of such loss or theft. The registrant shall also complete, and submit to the Field Division Office in his area, DEA form 106 regarding the loss or theft. When determining whether a loss is significant, a registrant should consider, among others, the following factors:

i. The actual quantity of controlled substances lost in relation to the type of business;

ii. The specific controlled substances lost;

iii. Whether the loss of the controlled substances can be associated with access to those controlled substances by specific individuals, or whether the loss can be attributed to unique activites that may take place involving the controlled substances;

iv. A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses; and, if known,

v. Whether the specific controlled substances are likely candidates for diversion;

vi. Local trends and other indicators of the diversion potential of the missing controlled substance.

306.9.4 RESEARCH PROTOCOL

A protocol shall be established pursuant to 21 CFR 1301.18. The regulation requires that the research protocol contain the following information;

1) Registrant information

(a) Name, business address, DEA registration number

(b) Agency affiliation

(c) Qualifications (i.e. canine training sergeant, supervisor, etc.), curriculum vitae, if applicable

2) Project information

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(a) Title
(b) Statement of purpose
(c) Name and amount of each controlled substance
(d) Description of research
(e) Statement of security provisions
    i. Storage
    ii. Dispensing

3) Authority
(a) Agency approval

306.9.5 IMMUNITY
All duly certified deputies acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under state law while providing substance abuse training or canine drug detection training.

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Domestic Violence

307.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

307.2 POLICY

The Weld County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

307.3 OFFICER SAFETY

The investigation of domestic violence cases often places deputies in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all deputies to exercise due caution and reasonable care in providing for the safety of any deputies and parties involved.

307.4 INVESTIGATIONS

The following guidelines should be followed by deputies when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the initial responding deputy or the deputy currently assigned to service that particular service area in the event that the injuries later become visible.

(f) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.

(j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

307.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

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(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

307.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

307.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the office's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

307.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Deputies should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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307.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by deputies as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

307.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, deputies should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor for clarification when needed.

307.8.1 VERIFICATION OF TRIBAL PROTECTION ORDERS

If any party to a domestic dispute is a member of a tribe or consider themselves a Native American person, deputies should ask whether there are any protection orders from a tribal court.

Deputies should take reasonable steps to verify the protection order, including calling the relevant tribe’s dispatch line, and not rely solely on National Crime Information Center or other databases.

307.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

307.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

(a) If a deputy has probable cause to believe an offender has committed an offense of domestic violence, an arrest shall be made (CRS § 18-6-803.6).

(b) A deputy is not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (CRS § 18-6-803.6). If a deputy receives complaints of domestic violence from two or more

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opposing persons, the deputy shall evaluate each complaint separately to determine if a crime has been committed by one or more persons.

(c) In determining whether a crime has been committed by one or more persons, the deputy shall consider the following (CRS § 18-6-803.6):

1. Any prior complaints of domestic violence.
2. The relative severity of the injuries inflicted on each person.
3. The likelihood of future injury to each person.
4. The possibility that one of the persons acted in self-defense.

(d) Unless impractical, if probable cause exists to believe an offender has violated a court order and that such offender had notice of the court order, an arrest shall be made (CRS § 18-6-803.5). If the circumstances make arrest impractical, the deputy shall seek a warrant of arrest for the offender (CRS § 18-6-803.5).

(e) If a restrained person is arrested for violating or attempting to violate any provision of a court order, the arresting deputy shall make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).

307.9.2 SERVICE OF COURT ORDERS

Deputies responding to a domestic violence call who encounter a person named in a court order that has not been otherwise served shall serve the person with a copy of the order (CRS § 13-14-107).

307.9.3 REPORTS AND RECORDS

The Records Supervisor will maintain records on the number of domestic violence-related calls reported to the Weld County Sheriff's Office and forward such records to the state as required (CRS § 18-6-803.9).

In the event that an individual is arrested by the Weld County Sheriff's Office for violating a court order, the Records Supervisor shall forward to the issuing court a copy of the arrest report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The Records Supervisor shall also ensure that a copy of the same information is provided to the protected party. The agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court (CRS § 18-6-803.5).

If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested by the Weld County Sheriff's Office for violating or attempting to violate a protection order, the Records Supervisor shall notify the prosecuting attorney so that a motion may be filed with the court that issued the prior bond for the revocation of the bond and for the issuance of a warrant, if appropriate (CRS § 18-6-803.5).

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Search and Seizure

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

It is the policy of the Weld County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this office will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Weld County Sheriff's Office Training Policy, the Office will provide relevant and current training to deputies as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

308.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

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

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

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

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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308.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this office will strive to conduct searches with dignity and courtesy.

(b) Deputies should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite gender as the searching deputy, a reasonable effort should be made to summon a deputy of the same gender as the subject to conduct the search. When it is not practicable to summon a deputy of the same gender as the subject, the following guidelines should be followed:

1. Another deputy or a supervisor should witness the search.
2. The deputy should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

308.5 DOCUMENTATION

Deputies are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite gender, any efforts to summon a deputy of the same gender as the person being searched and the identification of any witness deputy

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

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Temporary Custody of Juveniles

309.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Weld County Sheriff's Office (34 USC § 11133).

309.1.1 DEFINITIONS

Definitions related to this policy include:

Detained or Confined - To hold, keep or restrain a person such that he is not free to leave, except that a juvenile held by law enforcement solely for the purpose of returning him to his parent or guardian or pending his transfer to the custody of a child welfare or social service agency is not detained or confined within the meaning of this definition.

Juvenile non-offender - A juvenile that is not charged with any offenses, and is abused, neglected, dependent, or an alien may only be detained if he, or she is at risk of harm to self or others. Juvenile non-offenders may include a juvenile taken into protective custody for being under the influence or incapacitated by substances but should be taken directly to a medical facility or mental health and substance abuse facility.

Juvenile status offender -A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (CRS § 19-1-103(18); CRS § 19-1-103(68)). Juvenile offenders include juveniles taken into custody for possession of a handgun under CRS § 18-12-108.5 (28 CFR 31.303).

Non-secure custody - When a juvenile is seated in the presence of a deputy or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Safety checks - Direct visual observation by a member of this office performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is detained or confined in a locked room, a set of rooms, or a cell, they are in secure custody. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

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(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

309.2 POLICY

The Weld County Sheriff's Office is committed to releasing juvenile delinquents from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Weld County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release and no longer than six (6) hours.

309.3 JUVENILES WHO SHOULD NOT BE HELD

Juvenile non-offenders and status offenders shall not be detained or confined in an Adult Jail or Lockup, unless they are in immediate risk of harm to self or others.

Juveniles who exhibit certain behaviors or conditions should not be held at the Weld County Sheriff's Office. These include:

(a) Unconsciousness or having been unconscious while being taken into custody or transported.

(b) Serious injuries or a medical condition requiring immediate medical attention.

(c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).

1. If the deputy taking custody of a juvenile believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

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(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Weld County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

309.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile delinquent and temporarily hold the juvenile at the Weld County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Weld County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Sergeant. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Weld County Sheriff's Office (34 USC § 11133).

309.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should not be held at the Weld County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

309.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should be released by citation or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

309.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Weld County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

309.4.4 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS

A juvenile offender may be taken into temporary custody (CRS § 19-2-502):

(a) When there are reasonable grounds to believe that he/she has committed a violation of a statute, ordinance or court order that would subject an adult to an arrest.

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(b) Pursuant to a lawful warrant issued by a court pursuant to CRS § 19-2-503.

A juvenile offender shall not be held longer than is reasonably necessary to obtain basic identification information and to contact the juvenile's parents, guardian, or legal custodian (CRS § 19-2-507(4)).

The juvenile shall be released to the care of the juvenile's parents or other responsible adult unless a determination is made in accordance with CRS § 19-2-507(2) that the juvenile poses a substantial risk of serious harm to others.

If the juvenile is not released to the care of his/her parents or other responsible adult, the juvenile shall be taken directly to the court, a detention facility, or shelter designated by the court, or a preadjudication service program without unnecessary delay (CRS § 19-2-507(4)).

As an alternative to taking a juvenile offender to a detention facility or shelter, a deputy may, if authorized by policy of the court, serve a written promise to appear for juvenile proceedings upon the juvenile and the juvenile's parent, guardian, or legal custodian (CRS § 19-2-507(5)).

When a juvenile is not released pending charges, the deputy shall:

- Notify the screening team for the judicial district in which the juvenile was taken into custody (CRS § 19-2-507(1)).
- Promptly provide to the court and to defense counsel the affidavit supporting probable cause for the arrest and a copy of the arrest report if available (CRS § 19-2-508).

309.4.5 PETTY OFFENSE TICKETS

Offenders 10 years of age or older who have committed an offense that would be a petty offense or municipal ordinance violation if committed by an adult may be issued a petty offense ticket. The Weld County Sheriff's Office shall maintain annual data on the petty offense tickets issued, including the age, ethnicity and gender of each juvenile ticketed and the disposition of each ticket (CRS § 19-2-302.5).

309.5 ADVISEMENTS

The screening team for the judicial district generally notifies the juvenile's parent, guardian, or legal custodian that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be further detained. The notification may be made to a person with whom the juvenile is residing if a parent, guardian, or legal custodian cannot be located. If the screening team is unable to make the notification, deputies may make it (CRS § 19-2.5-303).

309.5.1 REPORTING

The Records Manager shall ensure incidents that result in a citation, summons, arrest or custody of a juvenile that occurs on public school grounds or vehicles, or at school activities or events are reported to the Division of Criminal Justice (DCJ) as required by CRS § 22-32-146. The reports shall be in the format provided by DCJ and include:

(a) The juvenile's full name, date of birth, race, ethnicity and gender.

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(b) The name of the school where the incident occurred or the name of the school that either operated the vehicle or held the activity or event.

(c) The date the juvenile was arrested, taken into custody or issued a summons or ticket.

(d) The arrest or incident report number assigned by the Weld County Sheriff's Office.

(e) The most serious offense for which the juvenile was arrested, issued a summons or ticket, based on the National Crime Information Center (NCIC) crime code.

(f) The type of weapon involved, if any, for offenses classified under the NCIC incident-based reporting system as group A offenses.

(g) The originating reporting identifier of the Weld County Sheriff's Office.

309.6 JUVENILE SCHOOL CONTACTS

Absent exigent circumstances, deputies should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile law enforcement presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the deputies should:

1. When practicable and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or the reasons contact was not attempted should be documented.
2. A formal interview with the juvenile may not proceed without the consent and presence of a parent, guardian or custodian (CRS § 19-2-511).
3. The selected parent or other responsible adult will be permitted to be present during any interview.
    (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult who, in the opinion of the deputy, appears to be under the influence of alcohol or drugs or is otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
    (b) If the deputy reasonably believes that exigent circumstances exist which would materially interfere with the deputy's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. The exigent circumstances should be set forth in a related report.

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309.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adult inmates while in custody at the Office (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Weld County Sheriff's Office shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

309.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Weld County Sheriff's Office shall ensure the following:

(a) The Shift Sergeant is notified if it is anticipated that a juvenile may need to remain at the Weld County Sheriff's Office more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Weld County Sheriff's Office more than six hours.

(b) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(d) Personal visual checks and significant incidents/activities are noted on the log.

(e) There is reasonable access to toilets and wash basins.

(f) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) There is reasonable access to a drinking fountain or water.

(h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(i) There is privacy during family, guardian, and/or attorney visits.

(j) Juveniles are generally permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

    1. The supervisor should ensure that there is an adequate supply of clean blankets.

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(l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(m) Adequate furnishings are available, including suitable chairs or benches.

(n) Juveniles have the right to a reasonable number of telephone calls (CRS § 16-3-402).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

309.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Weld County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders must not be handcuffed to any stationary object that would prohibit them from leaving the facility but can be placed in handcuff if they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored in such a way as to protect the juvenile from abuse.

309.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

309.10 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation.

In any case where a juvenile is taken into temporary custody, deputies should not attempt to interview or interrogate an unemancipated juvenile offender or status offender unless one of the following occurs (CRS § 19-2.5-203):

(a) A public defender or other counsel representing the juvenile is present.

(b) A parent, guardian, or legal or physical custodian of the juvenile is present and the juvenile and the juvenile's parent, guardian, or legal or physical custodian are advised of the following:

1. The juvenile's right to remain silent
2. That any statements made may be used against the juvenile in a court of law
3. The juvenile’s right to the presence of an attorney during the interrogation
4. The juvenile’s right to have counsel appointed if the juvenile so requests at the time of the interrogation

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(c) The juvenile and the juvenile's parent, guardian, or legal or physical custodian have been fully advised of the juvenile's right and have expressly waived in writing the requirement that they be present during the juvenile's interrogation.

309.10.1 MANDATORY RECORDINGS OF JUVENILES
Any interrogation of a juvenile who is in custody shall be audio and video recorded in accordance with CRS § 16-3-601 when the interview takes place at any Weld County Sheriff's Office facility, jail, or other permanent detention facility (CRS § 19-2.5-203).

309.10.2 UNTRUTHFUL COMMUNICATIONS TO JUVENILES
Deputies should not knowingly communicate untruthful information or beliefs to a juvenile during a custodial interrogation in order to obtain a statement or admission (CRS § 19-2.5-203).

309.11 RESTRICTION ON FINGERPRINTING

The following juvenile offenders may be fingerprinted:

(a) A juvenile offender held for committing any of the following (CRS § 19-2.5-207):

1. A felony
2. A Class 1 misdemeanor
3. A misdemeanor under CRS § 42-4-1301 (driving under the influence or while impaired)
4. A crime that includes an act of domestic violence as defined in CRS § 18-6-800.3(1)

(b) A juvenile who has not been fingerprinted prior to the juvenile's first appearance before the court and has been ordered by the court to report for fingerprinting (CRS § 19-2.5-608)

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Adult Abuse

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with direction and understanding of their role in the prevention, detection and intervention in incidents of the abuse of an at-risk person. It is the policy of the Weld County Sheriff's Office to treat reports involving at-risk adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

310.1.1 DEFINITIONS

Definitions related to this policy include (CRS § 26-3.1-101):

At-risk adult - An individual 18 years of age or older who is susceptible to mistreatment, self-neglect or exploitation because the individual is unable to perform or obtain services necessary for the individual's health, safety or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs.

Exploitation - An act or omission that:

(a) Uses deception, harassment, intimidation or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit or possession of his/her money, assets or property.

(b) Employs the services of a third party without authority and for the profit or advantage of the person or another person to the detriment of the at-risk adult.

(c) Forces, compels, coerces or entices an at-risk adult to perform services for the profit or advantage of the person or another person against the will of the at-risk adult.

(d) Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

Mistreatment - An act or omission that threatens the health, safety or welfare of an at-risk adult or exposes the adult to an imminent risk of death, serious bodily injury or bodily injury to the adult. Mistreatment includes, but is not limited to:

(a) Abuse which occurs where there is infliction of physical pain or injury, unreasonable confinement or restraint or subjection to criminal non-consensual sexual conduct.

(b) Caretaker neglect, such as inadequate food, clothing, shelter, psychological care, physical care, medical care or supervision for the at-risk adult.

Self-neglect - An act or failure to act, whereby an at-risk adult substantially endangers his/her health, safety, welfare or life by not seeking or obtaining services necessary to meet his/her essential human needs.

310.2 POLICY

The Weld County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

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310.3 MANDATORY NOTIFICATION

Members of the Weld County Sheriff's Office should notify the county department of human or social services when the member (CRS § 26-3.1-102):

(a) Observes the mistreatment or self-neglect of an at-risk adult.

(b) Has reasonable cause to believe that an at-risk adult has been mistreated or is self-neglecting.

(c) Has reasonable cause to believe that an at-risk adult is in imminent risk of mistreatment or self-neglect.

Cross reporting to social services is mandatory for at-risk adults who have an intellectual and developmental disability or are seventy years of age or older (CRS § 18-6.5-102; CRS § 18-6.5-108).

For purposes of notification, mistreatment includes abuse, neglect, exploitation, or any act by a person with a relationship to the at-risk adult even when it does not rise to the level of abuse, caretaker neglect, or exploitation but causes harm to the health, safety, or welfare of an at-risk adult (CRS § 26-3.1-101).

Notification is not required for someone who was merely present when a qualified person self-administered a prescribed medical aid-in-dying medication (CRS § 25-48-116).

310.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 26-3.1-102; CRS § 18-6.5-108):

(a) Notification should occur as soon as practicable.

(b) Written report should be forwarded within 24 hours.

(c) The report should contain the following, if known:

1. The name, address, and age of the adult victim.
2. The name and address of the adult’s caretaker, if any.
3. The nature and extent of any injuries.
4. The nature and extent of the condition that may reasonably result in abuse.

310.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The written report shall be forwarded to the department of human services.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

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(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Whether a death involved the Colorado End-of-Life Options Act (CRS § 25-48-119):

(a) Whether an individual knowingly or intentionally forged or altered a request for medical aid-in-dying medication to end an individual's life without the individual's authorization.

(b) Whether an individual knowingly or intentionally concealed or destroyed a rescission of a request for medical aid-in-dying medication.

(c) Whether an individual knowingly or intentionally coerced or exerted undue influence on a person with a terminal illness to request medical aid-in-dying medication or to destroy a rescission of a request for such medication.

An ombudsman should be called to the scene if the abuse occurred in a long-term care facility (CRS § 26-11.5-101 et seq.).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

310.5 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact the county department of human or social services. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger

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the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered the county department of human or social services.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control or have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

310.6 SUPPORT PERSONNEL

The following persons should be considered if it appears an in-depth investigation is appropriate:

- Patrol supervisor
- Investigative personnel
- Evidence collection personnel
- County or State Protective Services Agency personnel
- Ombudsman if the abuse is in a long-term care facility (CRS § 26-11.5-101-112)
- Victim advocate

310.6.1 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation where a deputy reasonably believes that a vulnerable person is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the deputy may contact the county court or Adult Protective Services and request a temporary restraining or protective order against the person alleged to have committed or threatened such abuse if that person is not in custody. If an offense is taken where it is clear there has been domestic violence against an elderly or at-risk adult, upon arrest of the suspect, the deputy should seek an emergency court order.

310.7 AT-RISK ADULT ABUSE REPORTING

Every allegation of at-risk adult abuse shall be documented. When documenting at-risk adult abuse cases the following information should minimally be included in the report (CRS § 26-3.1-102(2)):

(a) The name, address and approximate age of the at-risk adult

(b) The name and address of the person responsible for his/her care, if there is one

(c) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the at-risk adult

(d) The nature and extent of the alleged abuse, neglect or exploitation of the at-risk adult

(e) Any evidence of previous injuries

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(f) The basis of the reporter's belief that the at-risk adult has been abused, neglected, exploited or isolated

(g) Any other information that would assist in the investigation of the report

Reporting cases of older person or at-risk adult abuse is confidential and will only be released as per the Records Release and Security Policy, or as necessary for the coordination of a multi-agency investigation of a report or for the provision of protective services to an at-risk adult (CRS § 26-3.1-102(7)).

The deputy should document in the report that initial oral notification was made to Adult Protective Services through the hotline (970) 346-7676 or by other means.

310.8 AT-RISK ADULT ABUSE IN A CARE FACILITY

Deputies shall investigate all allegations relating to the abuse, neglect or exploitation of an at-risk adult in a care facility or under the care of a facility. Deputies shall immediately notify the Colorado Department of Human Services and the District Attorney's Office whether a crime report was taken.

310.9 OBTAINING ARREST WARRANT

Deputies should promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for the abuse, neglect or exploitation of an at-risk adult.

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Child Abuse

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Weld County Sheriff's Office members are required to notify the county department of human services of suspected child abuse.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (CRS § 19-3-304; CRS § 19-1-103).

311.2 POLICY

The Weld County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the county department of human services is notified as required by law.

311.3 MANDATORY NOTIFICATION

Members of the Weld County Sheriff's Office within the course and scope of their duties shall notify the county department of human or social services when (CRS § 19-1-103; CRS § 19-3-304; CRS § 19-3-308):

(a) They have reasonable cause to know or suspect that a child has been subjected to abuse or neglect or is in circumstances or conditions that would reasonably result in abuse or neglect.

(b) They receive a report of a known or suspected incident of interfamilial abuse or neglect.

(c) They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.

(d) They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.

(e) They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

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Deputies shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural communities, in determining abuse. Abuse does not include a reasonable exercise of parental discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

311.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 19-3-307; CRS § 19-3-308):

(a) Notifications shall be made as soon as practicable, but no later than twenty-four hours after receiving the information to the county department of human or social services.

(b) A written summary of the investigation or case report shall be forwarded without delay to the county department of human or social services upon completion of any investigation undertaken.

(c) Notification, when possible, shall include (CRS § 19-3-307):

1. The name, address, age, sex, and race of the child.
2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
3. Any evidence of known domestic violence or intimate partner violence in the child's home, including any evidence of previous cases of known domestic or intimate partner violence in the child's home.
4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
5. The family composition.
6. The source of the report and the name, address, and occupation of the person making the report.
7. Any action taken by the reporting source.
8. Any other information that the person making the report believes may be helpful.
9. The military affiliation of the person suspected of committing the abuse or neglect if the person is a member of the armed forces or is a spouse, significant other, or family member residing in the home of a member of the U.S. armed forces.

An investigating deputy and the deputy's supervisor shall notify the school district superintendent when there is a reasonable belief that an incident of abuse or neglect has been committed by a person acting in their official capacity as an employee of the school district (CRS § 19-3-308).

311.3.2 REPORTS

Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred are still required to document the incident and/or contact through written report.

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311.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

311.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

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(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(k) Unless unavailable, the county department of social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

(l) This agency shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308).

(m) When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating deputy shall coordinate such investigation with any concurrent abuse investigation being conducted by the Department of Education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

311.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the county department of human or social services. Generally, removal of a child from their family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove a child from their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the county department of human or social services.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (CRS § 19-3-401):

(a) When a court order has been issued authorizing the removal of a child.

(b) Without a court order when:

1. The child is seriously endangered in their surroundings or seriously endangers others and immediate removal appears to be necessary for their protection or the protection of others.

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2. An emergency exists and the child is seriously endangered, the safety or well-being of the child is immediately at issue, and there is no other reasonable way to protect the child without removing the child from their home.
3. An arrest warrant has been issued for the child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.
4. There are reasonable grounds to believe that the child has run away or escaped from a responsible adult and the responsible adult has not made a report to law enforcement.

(c) A seriously endangered newborn child (less than 72 hours old) may be detained in a hospital, without a warrant, by a deputy upon the recommendation of the county department of human or social services, a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while an order of the court pursuant to CRS § 19-3-405(1) is being pursued. The newborn child must be released if a court order is denied.

311.6.1 COURT ORDERS

Unless already being addressed by the county department of social services, a deputy should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the deputy (CRS § 19-3-405):

(a) Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for the child’s care and custody would present a danger to that child’s life or health in the reasonably foreseeable future.

(b) Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child’s care and custody only if certain emergency protection orders are entered.

311.6.2 RELATED NOTIFICATIONS

If the county Department of Human Services is unable to take custody of a child, deputies taking a child into protective custody shall (CRS § 19-3-402):

(a) Deliver the child, without unnecessary delay, directly to the court or to a place designated by the court.

(b) At the earliest opportunity, notify the court that the child has been taken into protective custody.

(c) Promptly file a brief written report with the court and any agency or person so designated by the court stating the facts that led to the child being taken into custody and the reason why the child was not released.

Whenever a child is taken into temporary protective custody, the child's parent, guardian or legal custodian shall be notified without unnecessary delay (CRS § 19-3-402(1)). The notification shall include information regarding the right to a hearing.

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311.6.3 SAFE HAVEN ACT PROVISIONS

A parent is not guilty of child abuse as defined in CRS § 18-6-401 if the parent surrenders a child who is 30 days old or younger to an on-duty firefighter or staff member at a hospital or community clinic emergency center under the safe haven provisions of CRS § 19-3-304.5. A supervisor and the county department of human or social services should be notified without delay.

311.7 INTERVIEWS

311.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

311.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

311.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

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311.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

311.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Unit Supervisor should:

(a) Work with professionals from the appropriate agencies, including the county Department of Human Services, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Investigations Unit Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Ensure that when deputies and detectives respond to drug labs or other narcotics crime scenes they note and report the environmental, medical, social and other conditions that may affect the child.

311.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Unit Supervisor so an interagency response can begin.

311.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

311.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 19-1-307; CRS § 24-72-304).

311.10.2 SERVICE OF PROTECTION ORDER

Deputies responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall serve the restrained person with a copy of the order (CRS § 19-1-104).

311.10.3 NOTIFICATION OF CHILD SEXUAL ABUSE

A deputy who conducts a preliminary interview of child victim of an unlawful sexual offense as defined in CRS § 18-3-411 shall, within one week, notify the appropriate child advocacy center

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of the alleged offense. The Office shall coordinate with the child advocacy center if a forensic interview of the child is planned (CRS § 24-31-908).

311.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

312.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

312.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who have dementia or related disability (as defined in CRS § 25-1-502), who have a verified developmental disability, or who are 60 years of age or older and have a verified impaired mental condition, whose whereabouts are unknown, and whose disappearance poses a credible threat to the safety and health of the person (CRS § 24-33.5-415.8). This term also includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for the person's chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.
6. In the company of others who could endanger the person's welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

(c) Are children under the legal custody of the Colorado Department of Human Services or a county department of human or social services (CRS § 19-1-115.3).

(d) Are Indigenous persons, regardless of whether the person is an adult or child (CRS § 16-2.7-103; CRS § 24-33.5-431).

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes persons whose safety or welfare is the subject of concern (CRS § 16-2.7-101(2)).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations.

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This includes the National Crime Information Center (NCIC), the Colorado Crime Information Center (CCIC), and the Colorado Bureau of Investigation (CBI).

312.2 POLICY

All personnel shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. A missing person report shall be accepted if (CRS § 16-2.7-102(2)):

(a) The missing person resides within this Office's jurisdiction and the last-known location is his/her residence or is unknown.

(b) There is credible information indicating that the missing person was last believed to be within this Office's jurisdiction.

Office personnel are not required to accept a missing person report if the person is the subject of a missing person report under investigation by another law enforcement agency within Colorado (CRS § 16-2.7-102(5)).

If the location where a person has been missing or was last seen cannot be clearly and easily established, the local law enforcement agency having jurisdiction over the missing person's last known residence should take the report. In any instance where there is a disagreement over reporting responsibility that is not immediately resolved, it is the policy of this office to promptly take and investigate a missing person report.

Any investigation completed and information obtained in a case that is ultimately the responsibility of another jurisdiction shall be recorded in an incident report, including information regarding the determination of jurisdiction, and forwarded to the appropriate agency.

312.3 INITIAL PATROL RESPONSE

Patrol personnel should be assigned to handle the initial missing person report and conduct a preliminary investigation involving additional resources as necessary.

The investigating deputy shall immediately contact such persons and, using interpretive services as reasonably necessary, make inquiries concerning the missing person and make an assessment of reasonable steps to be taken to locate the person. Initial investigation should include:

(a) Interviewing the persons who made the initial report, and if the person is a child, the child's parent or guardian.

(b) Determining when, where and by whom the missing person was last seen.

(c) Interviewing the individual who last had contact with the person.

(d) Obtaining a detailed description of the missing person, abductor, vehicles and other pertinent information.

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312.4 ACCEPTANCE OF REPORTS

If an initial investigation reveals that a person appears to be missing, further actions may be necessary. Determine from the information available whether a physical search is appropriate. If it appears that the situation is one of a missing person, a person whose safety appears endangered or missing children, each of the following actions should be performed:

(a) If a search is warranted, conduct a search of the home, building or other area/location where the incident took place and conduct a search including all surrounding areas. Obtain consent or a search warrant if necessary.

(b) If a search is not warranted or does not locate the missing person, additional investigation may be required, including:

1. A neighborhood/vehicle canvas.
2. Identifying persons at the scene and conducting separate interviews.
3. Documenting actions, telephone communications and other activities.
4. Assigning an investigator or deputies whose duties will include coordination of the investigation.
5. Involvement of the media.

During missing person investigations, the investigator shall attempt to obtain the most recent photograph available of the missing person. These photographs may be used for public information bulletins without written authorization.

312.4.1 INVESTIGATIVE RESOURCES AND SUPPORT

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Personnel providing assistance should be properly briefed and updated on the investigation status.

The investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or a person a person whose safety appears endangered. If necessary, use the International Justice & Public Safety Network (NLETS), the AMBER™ Alert network and the Silver Alert network to alert state, regional and federal law enforcement agencies.

312.4.2 INVESTIGATION OF MISSING SENIOR CITIZENS AND MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES

If it is determined that the missing person is a senior citizen or a person who is developmentally disabled, the handling deputy shall immediately:

(a) Obtain documentation regarding the person's mental condition (CRS § 24-33.5-415.8).

(b) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the National Crime Information Center (NCIC) system for persons under 21 years of age (42 USC 5779(a)).

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(c) Ensure the information is broadcast regionally, statewide and nationally, or solicit the assistance of the Colorado Bureau of Investigation to make the broadcasts.

(d) Secure the crime scene and/or the last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.

(e) Implement multijurisdictional coordination and mutual aid plans when necessary. Factors to consider include:

1. Inadequate Office resources.
2. The investigation crosses jurisdictional lines.
3. Existence of pre-established task forces or investigative teams.

(f) Notify the family of services provided by this office and the Colorado Bureau of Investigations if appropriate.

(g) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

(h) Activate protocols for working with the media including AMBER Alerts and/or Silver Alerts.

312.4.3 CRIME AND SCENE INVESTIGATION AND MANAGEMENT

If a crime scene is identified, it should be secured and a command post or operation base placed into operation a reasonable distance from the crime scene. Staff and assign the responsibilities for Command Post Supervisor, Public Information Officer, Search Coordinator, Investigative Coordinator, Communication Officer and Support Unit Coordinator. Provide two liaison deputies (one at the command post and one at the home). The role of the liaison at the home will include facilitating support and advocacy for the family.

The investigation of the crime should consider various elements, including:

(a) Establishing the ability to "trap and trace" all incoming calls. Consider setting up a separate telephone line or cellular telephone for Office use and follow up on all leads.

(b) Compilation of a list of known Sex Offenders in the region.

(c) In cases of infant abduction, investigate claims of home births made in the area.

(d) In cases involving children, obtain child protective agency records for reports of child abuse.

(e) Review of records for previous incidents related to the missing person and prior police activity in the area, including prowlers, indecent exposure, attempted abductions, etc.

(f) Obtaining the missing person's medical and dental records, fingerprints and DNA when practical or within 30 days.

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(g) Creating a missing person profile with detailed information obtained from interviews of family and friends, and records describing the missing person's heath, relationships, personality, problems, life experiences, plans, equipment.

(h) Update the NCIC file, as necessary, with any additional information, regarding the missing person, suspect and vehicle.

(i) Interview of delivery personnel, employees of gas, water, electric and cable companies, taxi drivers, post office personnel, sanitation workers and others.

(j) For persons under the age of 21, contacting the National Center for Missing and Exploited Children for photo dissemination and other case assistance.

(k) Determination if outside help is needed and the merits of utilizing local, state and federal resources related to specialized investigative needs, including:

1. Available search and rescue resources
2. Investigative resources
3. Interpretive services
4. Telephone services, such as traps, traces and triangulation
5. Media assistance from local and national sources

(l) Use of secure electronic communication information, such as the missing person's cell phone number, e-mail address and social networking site information.

(m) Appointing a deputy who shall be responsible to communicate with the family/reporting party or their designee, and who will be the primary point of contact for the family/reporting party or the designee. Provide contact information and the family information packet (if available) to the family/reporting party or the designee.

312.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 18 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

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1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier (CRS § 18-9-312).

1. If the deputy has probable cause to believe the missing person is at risk of death or serious bodily injury, a supervisor should be notified and should determine whether to order the telecommunication provider to disclose the missing person's location information without a court order.
2. The supervisor shall ensure that a court order is obtained within 48 hours of the initial request for the location information.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

312.5.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Weld County Sheriff's Office takes a missing person report on a person who lives outside of this jurisdiction, request Records promptly forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 18 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen.

312.5.2 ELECTRONIC NOTIFICATIONS

When a missing person is under the age of 21, request Weld County Records personnel send electronic notification to the Colorado Department of Public Safety and the NCIC within two hours after accepting the report . To assist the Colorado Department of Public Safety, the electronic notification must note if the case involves a person whose safety appears to be endangered.

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312.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review. Reports shall be completed in Priority status.

312.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

  (a) The reports should be promptly sent to the Weld County Records in a supervisor approved, priority status.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

  1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

312.6.2 WELD COUNTY RECORDS RESPONSIBILITIES

The responsibilities of the Weld County Records receiving member shall include but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigations Unit.

(e) Coordinating with the NCIC Terminal Contractor for Colorado to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

312.7 INVESTIGATIONS UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

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1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should re-contact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CCIC, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Colorado Bureau of Investigation and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

312.7.1 MISSING PERSON LOCATED

When a missing person is located alive, the appropriate actions related to the type of recovery are required:

(a) Verification that the located person is the reported missing person.

(b) If appropriate, arranging for a comprehensive physical examination of the victim.

(c) Conducting a careful interview of the person, documenting the result of the interview and involving all appropriate agencies.

(d) Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be informed of this information.

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(e) Depending on the circumstances of the disappearance, considering the need for reunification assistance, intervention, counseling or other services for either the missing person or the family/reporting party.

(f) Canceling alerts, removing the case from NCIC and other information systems.

312.7.2 RECOVERED MISSING DATA ENTRY
When a missing person who was reported by another jurisdiction is located, the Office shall notify the original law enforcement agency having jurisdiction over the investigation and that agency shall cancel the entry from the NCIC computer.

When this office discovers that a missing person whose investigation is being handled by this Office has been found, the Weld County Records shall cancel the entry in the NCIC. If a missing person under the age of 21 is located, the detective must ensure that an electronic notification is sent within 24 hours to the USDOJ.

312.7.3 DECEASED FOUND TO BE A MISSING PERSON
If a deceased person has been identified as a missing person, this office, or the Colorado Bureau of Investigations if requested, shall attempt to locate family members and inform them of the death and the location of the deceased's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

312.8 CASE CLOSURE
The Investigations Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Weld County or this office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

312.9 TRAINING
Subject to available resources, the Training Sergeant should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

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1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of office members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

313.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

313.3 RESPONSIBILITIES

313.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Weld County Sheriff's Office should notify their supervisor, Shift Sergeant or Investigations Unit Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

313.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, via the chain of command, and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Captain, when requested.

313.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert using the statewide Emergency Alert System (EAS). Utilizing local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery.

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The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement (CRS § 24-33.5-415.7).

313.4.1 CRITERIA

An AMBER Alert may be activated by a law enforcement agency if (CRS § 24-33.5-415.7(2)):

(a) The child is 17 years of age or younger.

(b) The Office determines the child has been abducted.

(c) There is a credible threat to the safety and health of the child.

(d) The Office has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to believe a broadcast will assist in the recovery of the child.

313.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

(a) The Public Information Officer, with the assistance of the Shift Sergeant or Investigations Unit Sergeant, will prepare an initial press release that includes all available information that might aid in locating the child, such as:

1. The child's identity, age and description.
2. Photograph if available.
3. The suspect's identity, age and description, if known.
4. Pertinent vehicle description.
5. Details regarding time of the abduction, location of incident, direction of travel, potential destinations, if known.
6. Whether there is reason to believe the suspect has a relationship to the victim.
7. Name and telephone number of the Public Information Officer or other authorized individual to handle the media.
8.
9. A telephone number for the public to call with leads or information.

(b) The Public Information Officer, with the assistance of the Shift Sergeant or Investigations Unit Sergeant, will notify the Colorado Bureau of Investigation. After the information is checked, an AMBER Alert will be issued and the Colorado statewide EAS will be activated.

(c) Fax, and/or email, the press release to the local television and radio stations.

(d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Colorado Bureau of Investigation

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2. FBI local office
3. Prompt entry of information into the U.S. Department Of Justice Missing Person System/National Crime Information Center (NCIC)
4. National Center for Missing and Exploited Children (NCMEC) (800-843-5678)
5. Office Internet sites, communications and resources

(e) As additional information pertinent to the case becomes available, it shall be forwarded to all involved agencies..

(f) The investigation unit sergeant investigating the abduction or other individual responsible for making notifications shall prepare and forward to the previously described locations additional information regarding the search and investigation.

(g) Upon closure of the child abduction, because the child has been found, or the end of the notification period, the investigation unit sergeant shall immediately notify the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7(4)).

(h) After 24 hours the investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall assess the need to continue the AMBER Alert.

313.5 BLUE ALERTS

Blue Alerts are for those instances where a person has killed or inflicted a life-threatening injury upon a peace officer. The Blue Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state’s public and commercial television and radio broadcasters (CRS § 24-33.5-416.5; 8 CCR 1507-27).

313.5.1 CRITERIA

Supervisors may request a Blue Alert when a peace officer has been killed or has received a life-threatening injury and the suspect or suspects have fled the scene of the offense (CRS § 24-33.5-416.5).

313.5.2 PROCEDURE

A supervisor, after confirming that the criteria for a Blue Alert have been met, may notify the Colorado Bureau of Investigation and request a Blue Alert broadcast.

313.6 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES/DEMENTIA ALERT

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities or dementia disease, the Colorado Legislature created the Missing Senior Citizen, Missing Person with Developmental Disabilities, and Missing Person with Dementia and Related Disability Alert Program. This program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies, and the state’s public and commercial television and radio broadcasters.

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313.6.1 CRITERIA

These alerts apply to the following missing persons (CRS § 24-33.5-415.8):

(a) "Missing person with a dementia disease or related disability" means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Who has a dementia disease or related disability, as defined by CRS § 25-1-502.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

(b) “Missing person with developmental disabilities” means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Who has a verified developmental disability.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

(c) “Missing senior citizen” means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Whose age at the time he/she was first reported missing was 60 years or older and who has a verified impaired mental condition.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

Confirmation, in the form of a signed statement from the family member, close friend, caregiver, doctor, or medical facility that the missing person is a senior citizen with an impaired mental condition, a person with developmental disabilities, or a person with dementia or related disability, is required to meet the criteria for the alert (CRS § 24-33.5-415.8; 8 CCR 1507-26).

313.6.2 PROCEDURE

A supervisor, acting upon confirmation that the criteria for a Missing Senior Citizen/Missing Person with Developmental Disabilities/Missing Person with Dementia and Related Disability Alert have been met, may notify the Colorado Bureau of Investigation and request a broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

313.7 MISSING INDIGENOUS PERSON ALERTS

Missing Indigenous Person Alerts aid in the safe recovery of missing Indigenous persons. The Missing Indigenous Person Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies, federally recognized tribes, any governmental agency that may be involved in the search and recovery of a missing persons, and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-431).

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313.7.1 CRITERIA

The Office may request a Missing Indigenous Person Alert be activated when (8 CCR 1507-36):

(a) There is a reasonable belief that missing person is an Indigenous person.

(b) The person went missing while in Colorado.

(c) The person has been entered as a missing person into the CCIC/NCIC system by the Office.

"Indigenous" means having descended from people who were living in North America prior to the time people from Europe began settling in North America, being an enrolled member of a federally recognized Indian tribe, or being a lineal descendant of a tribally enrolled parent or guardian (CRS § 24-33.5-2601).

313.7.2 PROCEDURE

A supervisor, after confirming that the criteria for a Missing Indigenous Person Alert have been met, may notify the Colorado Bureau of Investigation and request a Missing Indigenous Person Alert Broadcast (8 CCR 1507-36).

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Victim and Witness Assistance

314.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

314.2 POLICY

The Weld County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Weld County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

314.3 CRIME VICTIM ADVOCATE

The Sheriff may appoint a member of the Office to serve as the Crime Victim Advocate. The Crime Victim Advocate will be the point of contact for individuals requiring further assistance or information from the Weld County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

314.3.1 SPECIFIC VICTIM ADVOCATE DUTIES

The victim advocate should:

(a) Ensure that the Office affords victims and witnesses the rights described in CRS § 24-4.1-302.5.

(b) Facilitate the return of property to victims (CRS § 24-4.1-303).

(c) Ensure child victims and child witnesses are provided appropriate services commensurate with their age and needs (CRS § 24-4.1-304).

(d) Be the liaison between the District Attorneys Office Victim Witness Assistance unit, as well as other agencies that provide service to the victims of crime or who have experienced trauma.

(e) Refer any victim or witness or any other cooperating agency who is requesting a copy of a record to the appropriate person.The Records Release and Security Policy in this manual regarding release of reports shall be followed in all cases.

(f) Enter required victim services information, victim contacts and notifications into VS Tracking.

(g) Check VS Tracking daily to verify that required victim notifications have been made.

314.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies shall provide all named victims in any VRA qualifying case the most recent Victims Rights Brochure.

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Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written office material or available victim resources.

314.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

All reasonable attempts will be made to protect any victim or the victim’s immediate family from harm, harassment, intimidation or retaliation arising from their cooperation in the reporting, investigation or prosecution of a crime. Additionally, members of this office should make reasonable efforts to minimize contact between the victim and the victim’s immediate family and the defendant and the relatives of the defendant before, during and immediately after a judicial proceeding (CRS § 24-4.1-303(5)).

314.5 VICTIM INFORMATION

The Director of Victim Services shall ensure that victim information handouts are available and current.For any case that falls under the Victims Rights Act, as defined in title 24 of the Victims Rights Statute, Deputies shall contact the Victim Services Unit, at the earliest possible opportunity.The Victim Services Unit shall respond by phone or in person to ensure the victim is offered appropriate crises interventions and the following:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; CRS § 18-3-407.5).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U Visa and T Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the deputy's name, badge number and any applicable case or incident number.

(k) Information regarding available compensation for qualifying victims of crime (CRS § 24-4.1-101 et seq.).

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(l) How to file a claim in their judicial district through the Victim Compensation Administrator or online through the Colorado Department of Public Safety Victim Compensation Program.

(m) Information required pursuant to the Victim Rights Act (CRS § 24-4.1-301 et seq.).

(n) Information related to the Colorado Organization for Victim Assistance (COVA).

(o) Information regarding the ability of a victim of domestic violence, unlawful sexual behavior or stalking to terminate a landlord-tenant agreement pursuant to CRS § 38-12-402.

(p) An advisement that the victim may apply to have a substitute address designated for public records and confidential mail forwarding (CRS § 24-30-2102).

(q) Upon notification of an arrest resulting from a Weld County Sheriff's Office VRA warrant, a representative shall immediately notify the victim of the arrest, advise the victim of the availability of VINE and document the date, time and method of notification in VS Tracking.

(r) A physical document identifying a sexual assault victim's rights to information regarding the status of forensic medical evidence submitted for testing, the right to object to destruction of the evidence, and to be informed of any change in status of the case (CRS § 24-4.1-302.5).

314.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

314.7 NOTIFICATION OF NEXT OF KIN

In the event of a serious illness, life-threatening injury or death, the supervisor responsible for notification of the incident should ensure the victim's next of kin is notified or coordinate such notification with the Coroner, office chaplain or another suitable person. Notification should be made in a courteous manner as soon as practicable following positive identification of the victim.

Supervisors may coordinate notifications at the request of other agencies for next of kin residing in the jurisdiction of the Weld County Sheriff's Office. Such notifications will be performed in accordance with the Outside Agency Assistance Policy.

The identity of any person who is seriously ill, seriously injured or deceased should not be released until notification is made to the victim's next of kin.

314.8 DEPUTY RESPONSIBILITIES

(a) When contacting victims in any VRA eligible case as defined in title 24, Deputies shall explain victim advocate services to them.Deputies shall offer the assistance of a victim advocate at the first reasonable opportunity on all VRA eligible calls. When possible,

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the on call victim advocate shall be contacted to explain and offer services directly to the victim at the time of the event.

(b) In cases where a victim is hospitalized, due to a criminal event in a VRA case, the on-call victim advocate shall be contacted via dispatch and instructed to respond to the hospital at the first reasonable and safe opportunity.

(c) Deputies shall contact the on-call Weld County victim advocate any time an arrest is made in a VRA case.

  (a) In cases where immediate contact with an advocate is impossible, or victim services have been declined, the deputy shall, before the end of their shift, send an email to victimservices@co.weld.co.us. The email shall include:

    (a) The victim's name, date of birth, address and general contact information.

    (b) The suspect's name, date of birth and charges or potential charges.

    (c) If a VRA pamphlet was provided to anyone.

    (d) In cases where an arrest(s) were made, information about whether the victim was notified of the arrest and if a victim notification form was submitted to the jail.

(d) Any time a jurisdictional arrest is made by a deputy, either by probable cause or warrant resulting from a VRA crime, deputies must complete a VRA victim notification form and submit it to the jail booking technician at the time of booking the suspect into jail.If the victim doesn't want to be notified of the arrestee's release, the VRA victim notification form must be completed in its entirety with the signature of the victim indicating he or she doesn't want to be notified of the arrestee's release.

(e) Deputies shall document all actions taken that are required by the Victim's Rights Act.

(f) When it doesn't jeopardize the integrity of an investigation, deputies shall keep victims apprised of changes in their case. Information about case status changes include but aren't limited to:

  1. The submission of a warrant request.

  2. The arrest of a suspect.

  3. Any significant change in case status.

(g) Deputies shall return phone calls from crime victims in a reasonable amount of time.

(h) Deputies shall document VRA compliance and advocate contacted on the face sheet and body of the report.

314.9 SPECIFIC DIRECTOR OF VICTIM ADVOCATE SERVICES DUTIES

The Director of Victim Advocate Services should check reports from the RMS system on a daily basis to identify all cleared warrants for VRA crimes. The Director should then ensure that required victim notifications have been made by Victim Advocates or Victim Advocate Volunteers and the information logged in VS Tracking.

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For all VRA crimes, the Director should check the VS Tracking system daily to verify that victim notifications have been made by Victim Advocates or Victim Advocate Volunteers. If required notifications have not been made, the Director should direct that such notifications and VS Tracking entries be made without delay.

For periods when the Director is not available, the Director should assign a Victim Advocate or Victim Advocate Volunteer to check VS Tracking daily and verify that required notifications have been made. In the absence of such delegated authority, the Patrol Division Lieutenant should assign a victim Advocate or Victim Advocate Volunteer to check VS Tracking.

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Bias-Motivated Crimes

315.1 PURPOSE AND SCOPE

The Weld County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of Colorado . When such rights are infringed upon by violence, threats or other harassment, this office will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

315.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

315.2 DEFINITIONS

Definitions related to this policy include:

Bias-motivated crime - A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or physical or mental disability, he/she (CRS § 18-9-121(2)):

(a) Knowingly causes bodily injury to another person.

(b) By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property, and such words or conduct are likely to produce bodily injury to that person or damage to that person's property.

(c) Knowingly causes damage to or destruction of the property of another person.

315.3 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this office is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about bias-motivated crime laws.

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315.4 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES

Whenever any member of this Office receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:

(a) Deputies will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.

(d) The assigned deputies will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime. No victim of, or a witness to, a bias-motivated crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation.

(e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned deputies will include all available evidence indicating the likelihood of a bias-motivated crime in the relevant reports. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.

(g) The assigned deputies should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney or County Attorney.

315.5 INVESTIGATIONS UNIT RESPONSIBILITIES

If a case is assigned to the Investigations Unit, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

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(c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

315.5.1 STATE BIAS-MOTIVATED CRIME REPORTING

This office shall report bias-motivated crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Manager or assigned to the Investigations Unit.

315.5.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING

The Records Manager should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Weld County Records procedures and in compliance with (28 USC § 534(a)).

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Report Preparation

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to those members of the Office who complete investigations and reports as a part of their duties.

316.2 REQUIRED REPORTING

In all of the following situations, members shall complete reports using the appropriate office-approved forms and reporting methods, unless otherwise approved by a supervisor.

The reporting requirements are not intended to be all-inclusive. A member may complete a report if they deem it necessary or as directed by a supervisor.

316.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

(a) All arrests.

(b) All felony crimes.

(c) Non-felony incidents involving threats or stalking behavior.

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Bias-Motivated Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the office-approved alternative reporting method (e.g., dispatch log).

316.2.2 NON-CRIMINAL ACTIVITY

Non-criminal activity to be documented includes:

(a) Any found property or found evidence.

(b) All protective custody and welfare detentions.

(c) Any time a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy).

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(d) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

(e) Suspicious incidents that may place the public or others at risk.

(f) Any use of physical force against any person by a member of this office (see the Use of Force Policy).

(g) Any firearm discharge (see the Firearms Policy) except during approved range training.

(h) Any time a member points a firearm at any person.

(i) Any traffic accidents above the minimum reporting level (see the Traffic Accident Response and Reporting Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

316.2.3 DEATHS

Death investigations require specific investigation methods depending on circumstances. They should be handled in accordance with the Death Investigation Policy. The handling member should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following incidents shall be appropriately investigated and documented:

(a) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(b) Sudden or accidental deaths

(c) Suicides

(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

316.2.4 DRUG OR ALCOHOL OVERDOSE EVENT

Deputies that respond to a drug or alcohol overdose event shall complete a written report (C.R.S. 18-1-711 (6a)). The report shall identify:

(a) All persons suffering the overdose.

1. An overdose means an acute condition including, but not limited to, physical illness, coma, mania, hysteria, or death resulting from the consumption or use of a controlled substance, or of alcohol, or another substance with which a controlled substance or alcohol was combined, and that a layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance (C.R.S. 18-1-711(5)).

(b) All persons arrested as a result of the investigation

(c) All persons not arrested pursuant to the immunity provisions of C.R.S 18-1-711(1)(a-d).

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(d) The substance that caused the overdose, whether a controlled substance or alcohol, if known.

Deputies shall request the report be routed to the District Attorney's Office.

316.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this office shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, where death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

316.3 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should inform the employee through the reporting system, stating the reasons for rejection. The original report with recommended corrections should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

316.3.1 CHANGES AND ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Weld County Records for filing and distribution shall not be modified or altered except by way of a supplemental report.

Reviewed reports that have not yet been submitted to the Weld County Records may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

316.4 POLICY

It is the policy of the Weld County Sheriff's Office that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

316.5 EXPEDITIOUS REPORTING

Incomplete reports, unorganized reports, or reports that are delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or to a special priority made necessary under exceptional circumstances.

316.6 REPORT PREPARATION

Reports should be sufficiently detailed for their purpose and free from errors prior to submission and approval. It is the responsibility of the member to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a

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supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be held.

All reports shall accurately reflect the identity of the persons involved; all pertinent information seen, heard, or assimilated by any other sense; and any actions taken. Members shall not suppress, conceal, or distort the facts of any reported incident, nor shall any member make a false report orally or in writing. Generally, the reporting member's opinions should not be included in reports unless specifically identified as such.

316.6.1 HANDWRITTEN OR TYPED REPORTS

County, state, and federal agency forms may be block printed unless the requirement for typing is apparent. Supervisors may require block printing or typing of reports of any nature for office consistency.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated. Members who dictate reports shall use appropriate grammar, as the content is not the responsibility of the typist.

Members who generate reports on computers are subject to all requirements of this policy.

316.6.2 ELECTRONIC SIGNATURES

The Weld County Sheriff's Office has established an electronic signature procedure for use by all members of the Weld County Sheriff's Office. The Patrol Captain shall be responsible for maintaining the electronic signature system, ensuring that each member creates a unique, confidential password for their electronic signature. Members may only use their electronic signatures for official reports or other official communications.

Each member shall be responsible for the security and use of their electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

316.6.3 REPORT RESTRICTION

Members shall not use the term "excited delirium" in a report. Members may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (CRS § 24-31-907).

316.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

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(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number, or ability to trace the item.

1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle accidents with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer the victim to online victim assistance programs (e.g., Federal Trade Commission (FTC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

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Media Relations

317.1 PURPOSE AND SCOPE

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

317.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Sheriff. However, in situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Captains, Shift Sergeants and the designated Public Information Officer (PIO) may prepare and release information to the media in accordance with this policy and the applicable law.

317.2.1 MEDIA REQUEST

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

(a) At no time shall any employee of this office make any comment or release any official information to the media without prior approval from a supervisor or the designated Office media representative.

(b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this office.

(c) Under no circumstance should any member of this office make any comments to the media regarding any law enforcement incident not involving this office without prior approval of the Sheriff.

317.2.2 PUBLIC INFORMATION OFFICER COMMUNITY RELATIONS

The designated PIO is responsible for maintaining a relationship with the local community (e.g., local businesses, service clubs, schools, religious organizations, other government agencies) that is consistent with the goals and objectives of this office. The PIO shall maintain documentation on all public education efforts including classes, informational flyers and other documentation, meetings and press releases.

317.3 MEDIA ACCESS

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

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

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(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

(c) No member of this office shall be required to submit to media visits or interviews without the consent of the involved employee.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Sheriff and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the PIO.

317.3.1 TEMPORARY FLIGHT RESTRICTIONS

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

317.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

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

317.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through an automated reporting process. This log will consist of data classified as public and should generally contain:

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(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law.

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim.

At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this office has determined that the identity of a juvenile witness reasonably requires protection.

Information concerning incidents involving persons whose identities are classified as private or confidential under state law shall be restricted from disclosure. Further detail is available in the Security and Release of Records Policy.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified, the decedent's family has been notified when feasible and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will be processed in accordance with policy and state law.

In the event of an officer involved shooting, the names of the involved Office personnel may be released to the media only at the discretion of the Sheriff or his designee.

Non-sanctioned or unofficial types of communication are subject to the Colorado Open Records Act (CORA). All personnel shall refrain from utilizing email, text messaging, or other unofficial forms of communication to transmit any type of case related information.

317.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (See the Security

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

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

(b) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) Information pertaining to pending litigation involving this Office.

(d) Information obtained in confidence or that uniquely describes stolen, lost, confiscated or recovered property.

(e) Any information that is otherwise privileged or restricted under state or federal law.

317.5 RELEASE OF INFORMATION

The Office may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the office website or other electronic data sources.

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Subpoenas and Court Appearances

318.1 PURPOSE AND SCOPE

This policy has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Electronic Subpoena - An electronic order directed to an individual commanding him/her to appear in court on a certain date and time to testify or produce documents in a pending court action. An electronic subpoena is accepted and tracked electronically by the issuing authority.

Mandatory appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

On call - When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager.

Standby - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

Subpoena - An order directed to an individual commanding him/her to appear in court on a certain date and time to testify or produce documents in a pending court action.

Subpoena Duces Tecum - A judicial order commanding a person to appear in court and produce an item(s) in the person’s personal custody and/or control to the Court

Trailing status - When an employee remains on standby status for additional court sessions until notified otherwise.

318.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this Office are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

318.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished

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only by personal service on the employee unless the employee has signed a written admission or waiver of personal service (CRCP Rule 45(c); CRCP Rule 17(e)).

318.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this office unless it has been properly served. Proper service may consist of the subpoena be placed in the employee's mailbox as long as sufficient time for the acceptance of service is provided.

318.2.3 ACCEPTANCE OF SUBPOENA

PAPER SUBPOENAS

(a) Work related paper subpoenas are received through inter-county mail or by personal service at the lobby counter during regular county business hours

(b) Administration Division staff date and time stamp receipt a subpoena and place it in, or route it to, the appropriate employee's mail box

(c) All employees check assigned mail boxes for subpoenas at the beginning of each regularly scheduled work day

    (a) Give a photocopy each subpoena to the supervisor

        i. Supervisors should, when able, attend court appearances to assess the quality of testimony given, demeanor, and appearance of subordinates

    (b) Promptly complete documentation of service acceptance for subpoenas from the District Attorney and send the documentation to the DA's Office via inter-county mail

(d) Employees under paper subpoena by the District Attorney's Office will call

    (a) 970-356-4000 ext. 4746 prior to appearing and ensure that the subpoena has not been cancelled or the appearance continued.

(e) Direct questions about a subpoena to the attorney requesting the subpoena

    (a) Questions related to documents or materials requested in a Subpoena Duces Tecum should be directed to the Sheriff's Office Records Director

(f) Document work time and note associated docket and/or case number on the electronic time sheet

    (a) Patrol Division personnel document subpoena work time associated with Sheriff's Office criminal cases in the electronic case management system

ELECTRONIC SUBPOENAS

(a) Work related electronic subpoenas are received via the county e-mail system from www.cdacweb.com through the Colorado District Attorney's Council. Employees will electronically sign electronic subpoenas as soon as practicable from receipt

(b) Employees who have conflicts with a subpoena will communicate with their supervisor to determine if the conflict can be resolved. If a conflict can't be resolved, the employee will click on the conflict button and give the reason they won't be able to make the subpoena date

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(c) Supervisors receive notifications of employees who have indicated conflicts exist. Upon receiving a notification of conflict, the supervisor is responsible to accept or deny the conflict. The supervisor will follow up with the employee on all denied conflicts to resolve the conflict.

  (a) View employee subpoenas at http://www.cdacweb.com

  (b) When able, attend court dates of subordinates to ensure quality of testimony, demeanor and appearance of employees during testimony

(d) Employees under electronic subpoena can check the status of court dates by visiting http://www.cdacweb.com then use their sign-in to get the information.

(e) Direct questions about a subpoena to the attorney requesting the subpoena.

(f) Document work time and note associated docket and/or case number on the electronic time sheet.

  (a) Patrol Division personnel document subpoena work time associated with Sheriff's Office criminal cases in the electronic case management system

318.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform the court clerk for the respective court division, the prosecuting attorney and the Shift Sergeant of the expected absence.

318.2.5 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Office. Employees are required to notify the Office within 24 hours of any change in residence address or home telephone number, and to provide an accurate and reasonably reliable means or method for contact.

If an employee on standby changes location during the day, the employee shall notify the court clerk how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

318.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for off-duty actions not related to their employment with the Weld County Sheriff's Office shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the immediate supervisor.

318.2.7 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

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318.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Office will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties. In such situations, the Office will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Office will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Office.

318.3.1 PROCEDURE

To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Office's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

318.3.2 CIVIL SUBPOENA ACCEPTANCE

Subpoenas shall not be accepted in a civil action in which the employee or the Office is not a party without properly posted fees pursuant to applicable law (CRCP Rule 45).

318.3.3 PARTY MUST DEPOSIT FUNDS

A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

318.4 OVERTIME APPEARANCES

If an employee is required to appear on his/her off-duty time for court, the employee will be compensated accordingly.

All employees will receive a minimum of 2-hours credited time for all court appearances that occur outside of the employee’s regularly scheduled work time.

- If the call-in appearance does not exceed two hours, the employee logs two hours of court time on their time sheet.
    - The 2-hour minimum applies only if the employee has left their residence and is enroute to the Courthouse when they are called off.
- If the call-in appearance extends longer than two hours, the employee logs the actual time worked.

318.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

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318.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

318.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

318.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

318.6.1 EVIDENCE
When a member is directed by a subpoena to appear in court with evidence, that member should:

(a) Notify the Weld County Evidence promptly after receiving the subpoena that the specified evidence is needed for court and verify that the evidence is readily available.

(b) Verify whether the evidence will be analyzed by the time of the court appearance, if applicable, and advise the prosecutor of any delay.

(c) Check with the prosecuting attorney on a timely basis if in doubt about what items or materials to bring to court.

(d) Notify the prosecuting attorney on a timely basis in the event that evidence has been lost, stolen, or misplaced, or if previously undisclosed information about the evidence has become available.

(e) Comply with provisions of the Property and Evidence Policy regarding checking out the evidence and transferring custody of the evidence to the prosecutor or the court, whichever is appropriate.

318.7 TESTIFYING AGAINST THE INTEREST OF THE STATE
Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Colorado, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify his/her immediate supervisor without delay. The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding

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(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters

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Reserve Deputies

319.1 PURPOSE AND SCOPE

The Weld County Sheriff's Office Sheriff's Posse was established to supplement and assist regular certified sheriff's deputies in their duties. This unit provides volunteer professional and special function reserve deputies who can augment regular staffing levels (CRS § 16-2.5-110).

319.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Weld County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this office.

Reserve deputies who hold certification by the Colorado Peace Officer Standards and Training (POST) Board are considered peace officers while engaged in the performance of their duties under CRS § 16-2.5-110(1)(b).

319.2.1 PROCEDURE

All applicants shall be required to pass the same background investigation as certified sheriff's deputies before appointment.

Before appointment as a reserve deputy, an applicant must have completed a state-approved basic academy or a reserve academy within the previous two years.

319.2.2 APPOINTMENT

Applicants who are selected for appointment as a reserve deputy shall, on the recommendation of the Sheriff, be sworn in and take the Oath of Office as required for the position. Members of the Reserve Unit serve at the appointing authority's discretion.

A reserve deputy may not perform any law enforcement function without obtaining a POST Reserve Certificate or Peace Officer Certificate (CRS § 16-2.5-110(1)(b)).

Reserve deputies may act only in a supplementary capacity to the regular force and shall be under the direct supervision of a fully certified peace officer (CRS § 16-2.5-110(1)(b)), unless the Reserve Deputy has been granted full peace officer status and authority by the Sheriff (CRS § 16-2.5-110 (1)(c)(II).

319.2.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

A reserve deputy shall serve without compensation but may be reimbursed at the discretion of the County for (CRS § 16-2.5-110(5)):

(a) Any authorized out-of-pocket expenses incurred in the course of his/her duties.

(b) For his/her time during a declared emergency or during a time of special need.

The County shall pay the cost of workers' compensation benefits for injuries incurred by a reserve deputy while on-duty and while acting within the scope of his/her assigned duties.

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319.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES

Qualified employees of this Office, when authorized, may also serve as reserve deputies. However, the Office shall not utilize the services of a reserve in such a way that it would violate employment laws. Therefore, the Reserve Coordinator should consult with the Department of Human Resources prior to an employee serving in a reserve capacity (29 CFR 553.30).

319.3 DUTIES OF RESERVE DEPUTIES

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Division and Detentions Division. Reserve deputies may be assigned to other areas within the Office as needed. Reserve deputies that are authorized as fully certified peace officers can work independently of the requirement for express direction or direct supervision by a full-time deputy, additionally the can direct and supervise reserve deputies.

319.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies shall be required to adhere to all Office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in the Policy Manual refers to a certified full-time deputy, it shall also apply to a certified reserve deputy, unless by its nature it is inapplicable.

319.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or the authorized designee.

319.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility of administering the Reserve Deputy Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assigning reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve deputy performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.

319.4 FIELD TRAINING

All reserve deputies shall complete office -specified field training program developed by the Training Unit.

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At the completion of field training, the primary training officers will meet with the Reserve Coordinator. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve deputy has satisfactorily completed his/her formal training. If the reserve deputy has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

319.5 SUPERVISION

Reserve deputies perform some of the duties of a peace officer and shall be under the immediate supervision of a certified peace officer (CRS § 16-2.5-110(1)(b)).

319.5.1 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the Reserve Coordinator. All reserve deputies are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

319.5.2 IDENTIFICATION OF DEPUTIES

All reserve deputies will be issued a uniform badge and a Office identification card. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

319.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this office.

319.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator.

Reserve deputies are considered at-will employees. Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

319.5.5 RESERVE DEPUTY EVALUATIONS

While in training, reserve deputies will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until training has been completed. Reserve deputies having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve deputy.

319.6 FIREARMS REQUIREMENTS

An appointment to the Reserve Deputy Program must be approved by the Sheriff before the person appointed may carry a weapon or otherwise act as a peace officer.

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319.6.1 CONCEALED FIREARMS PROHIBITED

No reserve deputy will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve deputies who possess a valid concealed firearm permit.

An instance may arise where a reserve deputy is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve deputy may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve deputy who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Office standards. The weapon must be registered by the reserve deputy and be inspected and certified as fit for service by a certified armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve deputy shall have demonstrated his/her proficiency with said weapon.

319.6.2 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies who carry a firearm while on-duty shall comply with all areas of the firearms training section of the Policy Manual and shall be certified for firearms proficiency with the same frequency and subject to the same requirements as a regular certified deputy (CRS § 16-2.5-110(2)).

319.7 EMERGENCY CALLOUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

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Mutual Aid and Outside Agency Assistance

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to deputies in the request of or answering the request for assistance from another law enforcement agency.

It is the policy of this office to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and policies of this office when another law enforcement agency requests assistance with an arrest or detention of any person. This office may also request an outside agency to provide assistance (CRS § 29-5-104).

The Office may at the discretion of the Sheriff establish an agreement for reciprocal law enforcement with another agency, including those of neighboring states, provided those agreements meet statutory requirements pursuant to CRS § 29-1-206. An agreement may include:

(a) Assisting other peace officers in the line of their duties and within the course of their employment.

(b) Exchanging Office personnel with personnel of another agency on a temporary basis through mutual aid request.

320.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Shift Sergeant's office or an on-duty supervisor for approval. Any such response to assist an outside agency should be considered for authorization pursuant to law or an established mutual aid plan (see generally CRS § 33.5-713).

When an authorized employee of an outside agency requests the assistance of this office in taking a person into custody, available deputies shall respond and assist in making a lawful arrest. If a deputy receives a request in the field for assistance, that deputy shall notify a supervisor. Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this office provide transportation of arrestees to another agency's facilities.

When such assistance is rendered, a case number will be issued to report action taken by Weld County Sheriff's Office personnel.

320.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The assigned deputy or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting deputy should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

A resource to consider for obtaining mutual aid assistance could include the Colorado State Emergency Resource Mobilization Plan (CSERMP) available from https://drive.google.com/file/d/1GdEMTl_ihDkYx2G65_LXbBT7A7HJze8t/view?usp=sharing.

320.4 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. Responders should:

- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate the incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the County Emergency Operations Plan.
- Contact the local Colorado state dispatch and request support if it occurs on any federal, state or county highway located outside of municipal city limits.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Office should clarify if it is requesting assistance only or complete scene management.

320.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Training Sergeant. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to the Shift Sergeant or supervisor to ensure proper use in compliance with agreements.

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Registered Offender Information

321.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Weld County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about Registered Sex Offenders.

321.2 POLICY

It is the policy of the Weld County Sheriff's Office to identify and monitor registered sex offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

321.3 REGISTRATION

The Investigations Unit supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Colorado Bureau of Investigation (CBI) (CRS § 16-8-115; CRS § 16-13-903; CRS § 16-22-109; CRS § 16-22-110).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

321.3.1 CONTENTS OF REGISTRATION

The registrant shall be required to complete the registration form provided by CBI.

Registration by a person who lacks a fixed residence shall be accepted unless it includes a location that would violate state law or local ordinance. The registrant shall be advised of any such violation and allowed five days to secure an alternate location (CRS § 16-22-108).

321.3.2 WAIVERS OF IN-PERSON RE-REGISTRATION

The Investigations Unit supervisor should (CRS § 16-22-108):

(a) Establish procedures for determining whether a registrant is eligible for a waiver under CRS § 16-22-108.

(b) Submit verification forms to CBI and other applicable law enforcement agencies.

(c) Review existing waivers to confirm registrants still meet eligibility requirements for the waiver.

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(d) Notify victims, upon request by the victim, that a waiver has been authorized.

321.3.3 AUTOMATIC TERMINATION OF REGISTRATION
The Investigations Unit supervisor or the authorized designee shall notify a registrant whose duty to register has automatically terminated under CRS § 16-22-103 of the termination upon attempt to register. The Investigations Unit supervisor shall remove the registrant from the registry and notify CBI of the termination (CRS § 16-22-108).

321.4 MONITORING OF REGISTERED OFFENDERS
The Investigations Unit supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on CBI's Convicted Sex Offender Registry website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Investigations Unit supervisor.

The Investigations Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Weld County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

321.4.1 MANDATORY CONFIRMATION
Following a registrant's first registration with the Office, the residence verification referenced above shall occur as soon as possible after the registration and annually thereafter. Residence confirmation shall occur quarterly if the registrant is a sexually violent predator (CRS § 16-22-109).

321.5 DISSEMINATION OF PUBLIC INFORMATION
Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor should evaluate the request and forward the information to the Sheriff or the authorized designee if warranted. A determination will be made by the Sheriff or the authorized designee, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided with CBI's Convicted Sex Offender Registry website or the Weld County Sheriff's Office's website.

The Records Manager shall release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-301 et seq.) and in compliance with a Colorado Criminal Justice Records Act request.

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321.5.1 RELEASE NOTIFICATIONS

Sex registrant information that is released shall include the written statement: “The Colorado sex offender registry includes only those persons who have been required by law to register and who are in compliance with the sex offender registration laws. Persons should not rely solely on the sex offender registry as a safeguard against perpetrators of sexual assault in their communities. The crime for which a person is convicted may not accurately reflect the level of risk.” (CRS § 16-22-112(5))

321.5.2 MANDATORY DISSEMINATION

The Office shall release local sex offender information to residents in accordance with Colorado law and the rules set forth by CBI. Information released shall include, at a minimum, the name, address or addresses, and aliases of the registrant; the registrant’s date of birth; a photograph of the registrant, if requested and readily available; and the offense that led to the registration requirement and the date of the offense (CRS § 16-22-110; CRS § 16-22-112). Information concerning victims shall not be released.

The Office will also make the mandated community notifications regarding sexually violent predators. These community notifications shall only occur under the circumstances and in the manner specified by the Colorado Department of Public Safety's Sex Offender Management Board (SOMB) (CRS § 16-13-904; CRS § 16-13-905; CRS § 16-13-906).

321.5.3 DISCRETIONARY DISSEMINATION

The Office may also provide local sex offender information to any other person the Office determines warrants notification as permitted by law. If the Office elects not to release registrant information to a non-resident, the Office may submit a request from the non-resident to CBI (CRS § 16-22-112).

321.5.4 INFORMATION AVAILABLE VIA THE INTERNET

The Office may post the following registered offender information on its website only if the person is adjudicated or convicted of the offenses in CRS § 16-22-112:

(a) Offender information, including the offender’s name or aliases, photograph, sex, height, weight, name, address and offenses committed, as allowed by law

(b) Educational information concerning protection from sex offenders that has been developed in conjunction with SOMB and a sexual assault victims’ advocacy group, or a link to educational information included on the CBI website

(c) A link to the National Sex Offender Public Website

(d) A link to the CBI Convicted Sex Offender Registry website

(e) A link to other law enforcement agencies

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321.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY

When a court order discontinuing a registrant's duty to register is received by the Office, the Strike Team supervisor shall ensure that the registrant's registration information is removed from the office local sex offender registry (CRS § 16-22-113).

321.6 NOTIFICATION PRIOR TO RELEASE OR DISCHARGE

Notification of a registrant's release on parole will be made by the sentencing court, the probation department, community corrections, the county jail or the Colorado Department of Corrections (CDOC) (CRS § 16-22-106; CRS § 16-22-107).

Prior to registrants being discharged from the CDOC, this office shall verify that (CRS § 16-22-107(4)(a)):

(a) The address provided by the person is a residence.

(b) The occupants or owners of the residence know of the person's history of unlawful sexual behavior.

(c) The occupants or owners of the residence have agreed to allow the person to reside at the address.

(d) If the registrant is being released on parole, the address complies with any conditions of the parole.

If any of the information required for verification is not true, the Office shall notify the CDOC that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

321.6.1 CONFIDENTIAL INFORMATION

The forms completed by persons required to register pursuant to Colorado law shall be confidential and shall not be open to inspection by the public or any person other than law enforcement personnel except as provided by law (CRS § 16-22-109(4)).

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Death Investigation

322.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

Death investigations shall be conducted pursuant to CRS § 30-10-606.

322.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases, unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

322.2.1 CORONER REQUEST

Deputies are not authorized to pronounce death unless they are also Coroners, Deputy Coroners, or appointed Coroner investigators. The Coroner shall be called as soon as practicable after the scene is safe and secure in all deaths. Investigating deputies shall investigate and work in cooperation with the Coroner involving any of the following circumstances (CRS § 30-10-606(1)):

(a) The death is, or may be, unnatural as a result of external influences, injury, or violence, including:
    1. A death that is due to the influence of, or is the result of, intoxication by alcohol, drugs, or poison.
    2. A death that is the result of an accident, including an accident at the workplace.
    3. A death that involves the unexpected or unexplained death of an infant or child.

(b) There is no physician in attendance, or the physician is at the scene but is unable to certify the cause of death.

(c) The death occurs within 24 hours of admission to a hospital.

(d) The death is the result of a criminal abortion, including any situation where such abortion may have been self-induced.

(e) The death is the result of a disease that may be hazardous or contagious or may constitute a threat to the health of the public.

(f) The death results from the action of a peace officer, or while the person was in the custody of law enforcement officials or incarcerated in a public institution.

(g) The death was sudden, and happened to a person who was in apparent good health.

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(h) The body is unidentifiable, decomposed, charred, or skeletonized.

(i) The death occurs under circumstances that the Coroner determines may warrant further inquiry in order to determine the cause and manner of death, or that requires further law enforcement investigation.

In cases involving any of the above-mentioned circumstances, the body of the deceased shall not be removed from the place of death prior to the arrival of the Coroner. This restriction shall not apply if the Coroner grants permission for removal or removal is necessary to identify the victim, protect property from damage, preserve evidence, or protect life, health, or safety.

When the Coroner arrives at the scene, law enforcement personnel shall make all reasonable accommodations to allow the Coroner to collect time-sensitive information.

If a suicide note is found at the place of death, investigating deputies or the Coroner shall take custody of the note based on a prior agreement. If there is no prior agreement, investigating deputies have the authority to take custody of the suicide note and shall provide a copy to the Coroner.

322.2.2 SEARCHING DEAD BODIES

(a) The Coroner or their assistant and authorized investigators are generally the only persons permitted to move, handle, or search a body.

(b) A deputy may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Coroner or their assistant shall be promptly notified.

(c) The Coroner, with the permission of the Office, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Coroner or their assistant, the investigating deputy should first obtain verbal consent from the Coroner or their assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy pending the arrival of the Coroner or their assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Coroner or their assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

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322.2.3 SUSPECTED HOMICIDE
If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Investigations Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Sergeant or Investigations Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

322.2.4 EMPLOYMENT-RELATED DEATHS OR INJURIES
Any member of this office who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

322.2.5 REPORTING
All incidents involving a death shall be documented on the appropriate form.

322.3 POLICY
It is the policy of the Weld County Sheriff's Office to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

322.4 UNIDENTIFIED DEAD BODY
If the identity of a dead body cannot be established, the handling deputy will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

322.5 DEATH NOTIFICATION
When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this office shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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Identity Theft

323.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

323.2 REPORTING

(a) To maintain uniformity in reporting, deputies shall initiate a report for victims residing within the jurisdiction of this office when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, deputies should observe the following:

1. For any victim not residing within this jurisdiction, the deputy may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides (CRS § 16-5-103(4)).

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, deputies of this office should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).

(c) Deputies should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Deputies should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.

(e) The reporting deputy should inform victims of identity theft that an Order of Factual Innocence is available to help those who are wrongly linked to crimes (CRS § 16-5-103(2)(b)). A court may order identifying information contained in criminal justice records to show that the information is not accurate and does not reflect the perpetrator's identity because of identity theft. Information can be obtained by contacting the Department of Revenue.

(f) Following supervisory review and Office processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

323.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access

https://www.stopfraudcolorado.gov/fraud-center/identity-theft/credit-report-freeze.html for further information.

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323.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can find FTC contact information online at http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm. Additional information may be found at the U.S. Department of Justice and/or FBI websites.

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Private Persons Arrests

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115.

324.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Deputies should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

324.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115):

(a) For any crime that has been or is being committed or attempted in his/her presence

(b) When directed by any peace officer to assist a peace officer

(c) When there is reasonable information that the accused has been charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year

1. The accused shall be taken before a judge without unnecessary delay and a complaint must be made against the accused under oath by the private person making the arrest.

324.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.

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1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

324.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must be willing to sign a statement that they will testify to the arrest in subsequent court proceedings. If the person fails or refuses to do so, the arrested subject shall be released unless the deputy has an independent reason to take the person into custody.

In addition to the signed statement (and any other related documents, such as citations and booking forms), deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

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Limited English Proficiency Services

325.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with Limited English Proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of this Office to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC § 2000 d).

325.1.1 DEFINITIONS

Definitions related to this policy include:

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. Some bilingual individuals may be fluent enough to engage in direct communication in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the necessary specialized skills. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence. For purposes of this policy, employees must initially and periodically demonstrate the level of skill and competence such that the Office is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific. An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Person disabled in communication - A person who cannot fully understand legal proceedings or charges involving him/her because of difficulty in speaking or comprehending the English language.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

325.2 POLICY

Since there are potentially hundreds of languages that Office personnel could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) LEP *Guidance to Federal Financial Assistance Recipients* available at the DOJ website, http://www.lep.gov/

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resources/resources.html, to determine which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Office personnel, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with Office personnel, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to create a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the Office or its personnel.

While this office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

325.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid mistakes when identifying a language. See attachment: crcl-i-speak-booklet.pdf

325.3 LEP COORDINATOR

Depending on the balance of the four factors listed above, this office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Office at no cost or choose to provide their own interpreter services at their own expense. Office personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Office or some other source. Office-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

325.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated a level of competence to ascertain whether his/her language skills are best suited to monolingual communication, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated

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competence in both English and the non-English language. When bilingual personnel from this office are not available, personnel from other County departments who have the requisite training may be used.

325.3.2 TELEPHONE INTERPRETER SERVICES

The Weld County Regional Communications Center will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist personnel in communicating with LEP individuals via telephone.

325.3.3 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual office personnel or other County-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university language and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Office personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended. Office personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance, see Section V(3) of the U.S. DOJ Final Guidance available at http://www.justice.gov).

325.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with office members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

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325.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide LEP individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this office has designated 9-1-1 calls as its top priority for language services. Office personnel will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

325.4.2 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Office personnel must assess each situation to determine the need and availability for translation services and utilize the methods outlined above to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that Office personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

325.4.3 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. The identification and contact information for the interpreter (e.g., name, address) should be documented so the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allow for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

325.4.4 CUSTODIAL INTERROGATIONS AND BOOKINGS

To protect the rights of LEP individuals during arrest and custodial interrogation, this Office places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Office personnel providing interpretation services or translated forms in these situations will have demonstrated competence

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in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

To ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is under the control of Office personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this office to make every reasonable effort to provide effective language services in these situations.

325.4.5 COMPLAINTS

The Office shall ensure access to LEP persons who wish to file a complaint regarding the discharge of Office duties. The Office may do so by providing interpretation assistance or translated forms to such individuals. If the Office responds to complaints filed by LEP individuals, the Office shall attempt to communicate its response in an accessible manner.

325.4.6 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Office have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. This Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to programs and services to LEP individuals and groups.

325.5 TYPES OF LEP ASSISTANCE AVAILABLE

In an effort to ensure that all personnel in public contact positions or who have contact with those in custody are properly trained, the Office will provide periodic training to personnel about LEP policies and procedures, including how to access office-authorized, telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

325.6 AUDIO RECORDINGS

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

(a) Access to telephonic interpretation services through the Weld County Regional Communications Center (language line)

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(b) Translated *Miranda* warning cards and other frequently used documents

(c) Audio recordings/warnings that are developed in non-English languages

325.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

325.8 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

325.9 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the deputy is unable to effectively communicate with an LEP individual.

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If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

325.10 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized office member or allied agency interpreter
- An authorized telephone interviewer
- Any other authorized interpreter

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

325.11 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

325.12 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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325.13 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access office-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Communications with Persons with Disabilities

326.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

326.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids -These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance. This includes a person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids (CRS § 13-90-202(6)).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a valid certification of competency accepted by the Commission for the Deaf and Hard of Hearing (CRS § 13-90-202(8)).

326.2 POLICY

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this office should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication, despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness versus impairment).

(c) The nature of the law enforcement contact (e.g., emergency versus non-emergency, custodial versus consensual).

(d) The availability of resources to aid in communications.

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When considering these and other available information, the involved employee should carefully balance all factors in an effort to reasonably ensure meaningful access to critical services, while not imposing undue burdens on the Office or its deputies.

326.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Office employees should be alert to the possibility of communication problems. They should exercise special care in the use of all gestures and with verbal and written communications to minimize initial confusion or misunderstanding when dealing with any individual with known or suspected disabilities or communication impairments.

326.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

Depending on the balance of the factors available for consideration at the time, this office will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense, or any combination thereof. In any situation, the individual's choice of a communication method shall be given primary consideration and shall be honored unless the employee can adequately demonstrate that a more effective method of communication exists under the circumstances.

Deputies should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Office or some other identified source. Office-provided services may include, but are not limited to, the following.

326.3.1 FIELD RESOURCES

Individual deputies and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who uses lip reading, and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

326.3.2 TELEPHONE INTERPRETER SERVICES

The dispatch center will maintain a list of qualified interpreter services, to be contacted at Office expense and upon the approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. The interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

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326.3.3 TTY AND RELAY SERVICES
Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this office.

326.3.4 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL
While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

326.4 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

326.4.1 QUALIFIED INTERPRETER REQUIRED IN ARRESTS
A deputy who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense to the arrestee before an interrogation or the taking of a statement (CRS § 13-90-204(1)(d)).

The arresting deputy shall immediately make arrangements to provide a qualified interpreter at the earliest possible time at the place of detention. The deputy shall, with the assistance of the interpreter, explain to the person disabled in communication, all charges filed and all

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procedures relating to the person's detainment and release. The interpreter shall assist with all other communications including those relating to needed medical attention.

326.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS

To ensure that the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this Office places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Office personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such assistance shall also be aware of the inherent impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of Office personnel. Medical screening questions are commonly used to elicit information regarding an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. It is important for this office to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheelchair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, deputies should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

326.4.3 QUALIFIED INTERPRETER REQUIRED FOR VICTIMS AND WITNESSES

A deputy shall make arrangements to provide a qualified interpreter to assist in an interview or questioning of a victim or witness who is deaf or hard of hearing and uses sign language for effective communication (CRS § 13-90-204(1)(f)).

326.4.4 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every deputy in the field. Each deputy and/or

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supervisor must assess each situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with a deaf individual.

326.4.5 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

326.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual’s choice of auxiliary aid or service.

The individual’s preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

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If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Weld County Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

326.6 TYPES OF ASSISTANCE AVAILABLE

Weld County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

326.7 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

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326.8 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

326.9 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

326.10 REPORTING

Whenever any member of this office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

326.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

326.11.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speech-read by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

326.11.2 QUALIFIED INTERPRETER OR AUXILIARY SERVICE REQUIRED FOR VICTIMS AND WITNESSES

A deputy shall make arrangements to provide a qualified interpreter or auxiliary service to assist in an interview or questioning of a victim or witness who is deaf or hard of hearing, or deaf-blind and uses sign language for effective communication (CRS § 13-90-204(1)(f)).

326.12 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing, deaf-blind, or have speech impairment are protected during a custodial interrogation, this office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the

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individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf, hard of hearing, or deaf-blind by a qualified interpreter or by providing a written *Miranda* warning card (CRS § 13-90-204(1)(d)).

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

326.12.1 WAIVER

Any waiver to a qualified interpreter or auxiliary service shall be in writing. The person may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication (CRS § 13-90-208).

If there is no waiver, *Miranda* warnings shall be given by the interpreter prior to any attempt to interrogate or take a statement from the person (CRS § 13-90-204(1)(d)).

326.13 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this office are important to the ultimate success of more traditional law enforcement duties. This office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

326.14 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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Pupil Arrest Reporting

327.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

327.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested on school grounds and during school hours, the arresting deputy shall include in the report the necessary information to ensure that the Weld County Records notifies the chief administrative officer of the school or the appropriate designee of the arrest of a pupil.

327.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

327.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

327.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the deputy, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

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Chaplains

328.1 PURPOSE AND SCOPE

The Weld County Sheriff's Office Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Office, their families and members of the public.

328.2 POLICY

It is the policy of this office that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

328.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose:

(a) By serving as a resource for Office personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Office.

(c) By providing counseling, spiritual guidance and insight for Office personnel and their families.

(d) By being alert to the spiritual and emotional needs of Office personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

328.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a law enforcement chaplain:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage his/her household, family and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have successful ministry experience within a recognized faith community.

(e) Possess a valid driver's license.

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328.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from his/her faith's community elders, board or council.

(c) Interview with the chaplain supervisor.

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Sheriff.

328.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable Office policies. The duties of a chaplain include, but are not limited to:

(a) Assisting in making notification to families of Office members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Office member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating in, when requested, funerals of active or retired members of the Office.

(e) Assisting other personnel in the diffusion of a conflict or incident when requested by on-scene staff.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Office.

(g) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of Office personnel.

(h) Counseling personnel with personal problems, when requested.

(i) Attending Office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Office.

(k) Responding to all major disasters, such as floods, bombings and similar critical incidents.

(l) Providing liaison with various religious leaders of the community.

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(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Participating in in-service training classes.

(o) Being willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or leaders of various denominations.

(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any services or any subsequent actions or follow-up that was provided while on-duty as a chaplain for the Weld County Sheriff's Office.

328.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the office may work or volunteer for the Weld County Sheriff's Office in any capacity other than that of chaplain.

Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform office members when it appears reasonably likely that the office member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the office chaplain should consider referring the member to a non-office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Weld County Sheriff's Office employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

328.8 COMMAND STRUCTURE

(a) Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the Chaplain Coordinator and/or Shift Sergeant.

(b) The Sheriff shall make all appointments to the Chaplain Program.

(c) The Chaplain Coordinator shall serve as the liaison between the Chaplain Unit and the Sheriff. He/she will arrange for regular monthly meetings, act as chairperson of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

328.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on call for periods of service as needed.

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(b) Chaplains shall be permitted to ride with deputies during any shift and observe Weld County Sheriff's Office operations, provided the Shift Sergeant has been notified and has approved the activity.

(c) Chaplains shall not be evaluators of employees.

(d) In responding to incidents, a chaplain shall never function as a deputy.

(e) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(f) Chaplains shall serve only within the jurisdiction of the Weld County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.

(g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

328.9.1 UNIFORMS AND BADGES

A distinct uniform, identification and the necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this office.

328.10 TRAINING

The Office will establish a minimum number of training hours and standards for office chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Sergeant.

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Child and Dependent Adult Safety

329.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this office.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

329.2 POLICY

It is the policy of this office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Weld County Sheriff's Office will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

329.2.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of minor children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party, as appropriate.

1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts. Consideration regarding familiarity with the surroundings, comfort, emotional state and safety should be paramount.

2. Except when a court order exists limiting contact, the deputy should attempt to locate and place dependent children or adults with a non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children or a dependent adult until an appropriate caregiver arrives.

(c) Notify the Department of Human Services if appropriate.

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(d) Notify the field supervisor or Shift Sergeant of the disposition of minor children or dependent adults.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be included in the associated report.

329.2.2 REPORTING

For incidents where an arrest is made and unsupervised (outside of the arrestee parent) children, or an unsupervised (outside of the arestee caregiver) dependent adult is present, or a deputy learns of dependent children or a dependent adult who won't have supervision when the caregiver is arrested, the reporting deputy should format the children or dependent adult in the reporting system. The deputy should document what actions were taken involving either children or dependent adults and whether the dependent adult(s) reasonably appears to be able to care for him or herself

329.2.3 SUPPORT AND COUNSELING REFERRAL

Should it be apparent that law enforcement action may have a delayed or lingering effect upon children or dependent adults, providing referral information for available support, counseling, victim advocate, a crisis line or similar services should be considered.

329.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(b) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should

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explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

329.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify the Department of Human Services, if appropriate.

(e) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

329.3.2 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

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329.4 TRAINING

The Training Sergeant is responsible to ensure that all members of this office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

330.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Weld County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

330.2 SERVICE ANIMALS

The ADA defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

Service animals also include assistance dogs that are in the process of being trained and are accompanied by a trainer (CRS § 24-34-803).

330.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, or follow daily routines.

330.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Office members are expected to treat individuals with

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service animals with the same courtesy and respect that the Weld County Sheriff's Office affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this office are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

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Volunteers

331.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid deputies, interns, victim advocates, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

331.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Weld County Sheriff's Office volunteer include:

(a) A personal background history and character suitable for a person representing the Weld County Sheriff's Office, as validated by a background investigation.

(b) At least 18 years of age for all positions other than Explorer.

(c) At least 14 years of age for Explorer.

(d) A valid driver's license if the position requires vehicle operation.

(e) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a law enforcement officer.

(g) No conviction of a misdemeanor crime within the past 36 months, excluding petty traffic offenses.

(h) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.Refer to the Drug and Alcohol Workplace Safety policy for disqualifying criteria related to the use of unlawful substances.

(i) Physical requirements reasonably appropriate to the assignment.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

331.2 VOLUNTEER MANAGEMENT

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331.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or the authorized designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions

(b) Maintaining records for each volunteer

(c) Tracking and evaluating the contribution of volunteers

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers

(e) Maintaining a record of volunteer schedules and work hours

(f) Completion and dissemination as appropriate of all necessary paperwork and information

(g) Planning periodic recognition events

(h) Administering discipline when warranted

(i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering

331.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with Office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

331.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

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A truth verification exam may be required of each applicant depending on the type of assignment. All victim advocate volunteers are required to complete a truth verification exam and drug screening, prior to being accepted.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through the Colorado Bureau of Investigation.

331.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Office.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

331.2.5 EMPLOYEES WORKING AS RESERVE

Certified employees of this office, when authorized, may also serve as reserve deputies. However, the Office must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws. Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

331.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

(a) Role of the volunteer

(b) Office policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

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(e) CPR/first aid

(f) CERT/Citizens Emergency Response Training

(g) Search and rescue techniques

(h) Scenario-based searching methods

(i) Evidence preservation

(j) Basic traffic direction and control

(k) Roadway incursion safety

(l) Self-defense techniques

(m) Vehicle operations, including specialized vehicles

(n) Horsemanship

(o) Issuance of citations

(p) CJIS data security

Pursuant to Colorado Peace Officer Standards and Training (POST) rules and regulations, the Office may establish training, licensing and continuing education requirements for its reserve deputies.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified deputies or other full-time members of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office. Whenever a rule, regulation or guideline in this manual refers to a certified deputy, it shall also apply to a volunteer, unless by its nature it is inapplicable.

331.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

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331.2.8 DRESS CODE

As representatives of the Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by certified deputies. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

331.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

331.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by office policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any

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information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

331.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

331.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

(a) A driving safety briefing

(b) Verification that the volunteer possesses a valid driver's license

(c) Verification that the volunteer carries current vehicle insurance

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating an Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless it is being operated during an approved skills course; that it is being used to transport equipment; that it is being used to provide supplementary assistance under the direction of an on-duty certified deputy. Volunteers are not authorized to operate an Office vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

331.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

331.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Sheriff or the authorized designee.

Volunteers may resign from volunteer service with this office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

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331.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

331.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

331.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

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Native American Graves Protection and Repatriation

332.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

332.2 POLICY

It is the policy of the Weld County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

332.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5; CRS § 24-80-1302):

- When appropriate, the Coroner.
- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Colorado land management agency
- Tribal land - Responsible Indian tribal official

332.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure

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the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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Off-Duty Law Enforcement Actions

333.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Weld County Sheriff's Office with respect to taking law enforcement action while off-duty.

333.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, a deputy should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies are not expected to place themselves in unreasonable peril. However, any certified member of this office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

333.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations, state law and Office policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment. The carrying of firearms is prohibited while under the influence of alcohol or a controlled substance (CRS § 18-12-106(d)).

333.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

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(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

333.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Weld County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

333.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

333.4.3 RESPONSIBILITIES

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

333.4.4 OTHER CONSIDERATIONS

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

333.5 REPORTING

Any deputy shall, if reasonable, prior to taking any off-duty enforcement action, notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Weld County Sheriff's Office). If prior contact is not reasonably possible, a deputy shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Extreme Risk Protection Orders

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for interacting with Extreme Risk Protection Orders (CRS § 13-14.5-108).

334.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order - An order prohibiting a named person from having in his/her custody or control, purchasing, possessing, or receiving prohibited items.

Prohibited items - Firearms and concealed carry permits that are prohibited by an extreme risk protection order.

334.2 POLICY

It is the policy of the Weld County Sheriff's Office to NOT petition for extreme risk protection orders as the law appears to be, on face value, in violation of the Constitution of the State of Colorado as well as the United States Constitution. If a private citizen petitions directly to the Court for an extreme risk protection order, the service of said order will be at the sole discretion of the Sheriff.

334.3 EXTREME RISK PROTECTION ORDERS

A deputy who receives information from the Courts in reference to the issuance of an extreme risk protection order shall immediately notify the Sheriff via the chain of command.

If a Deputy is requested, through a call for service, to investigate a situation for the purposes of obtaining an extreme risk protection order, the Deputy will gain as much information as possible to address the situation through other lawful methods in lieu of obtaining an extreme risk protection order. The Deputy will also inform the citizen that if they are a household/family member, as defined by the law, that they can appeal directly to the court for an extreme risk protection order.

334.4 SAFETY CONSIDERATIONS

Upon receipt of an extreme risk protection order issued by the Weld County Courts, the Sheriff will evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

334.5 SURRENDER OF PROHIBITED ITEMS

The Weld County Sheriff’s Office will not take possession of a person’s firearms if they are attempting to turn them in as a result of an extreme risk protection order. The person will be directed to the utilization of privately owned/operated storage options that are compliant with the law.

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Generative Artificial Intelligence Use

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for office use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of GenAI are found in the Weld AI Policy maintained by Weld County Information Technology.

335.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

335.2 POLICY

The use of GenAI systems carries unique benefits and risks within a law enforcement agency.While it may provide ways to increase operational efficiency, enhance office procedures, and improve the overall effectiveness of the Weld County Sheriff's Office. It can also present risks to both individuals and law enforcement agencies by making accessible to the public information such as office tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Office to minimize the use of GenAI to reduce potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Office who is authorized to use GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

335.3 RESPONSIBILITIES

The Sheriff or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any office functions.

Before proposing the use of GenAI systems, members should consider certain risk factors, that include but are not limited to:

(a) The trustworthiness of the system. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:

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1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Office consistently over time.
2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the office's use of the system.
3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.

(b) Ensuring appropriate contractual safeguards are in place to manage third-party use of office data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Office and third-party vendor.

(c) Coordinating with others within the Office and County, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.

(d) Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.

(e) Ensuring any public-facing GenAI systems notify the user that GenAI is being used.

(f) Developing and updating training for the authorized users of each office-approved GenAI system.

(g) Ensuring access to office GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.

(h) Creating a system to audit the GenAI system at reasonable time intervals to evaluate the performance and effectiveness of the system and to determine if it continues to meet the office's needs and expectations of trustworthiness.

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(i) Ensuring the GenAI system is updated and that there is updated training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.

(j) Research any GenAI-related legal developments related to the proposed system.

(k) Developing procedures in coordination with the Records Manager for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the Colorado Criminal Justice Records Act.

335.4 USE OF GENERATIVE AI

The use of approved office GenAI systems by office members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

(a) Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.

(b) Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).

(c) Include a statement in the final document or work product that GenAI was used to aid in its production.

335.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

335.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available

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GenAI systems unless the system has been approved by the Sheriff or the authorized designee for the intended use.

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Firearms Use

336.1 PURPOSE AND SCOPE

The Sheriff may appoint deputies to be certified deputy sheriffs, non-certified deputy sheriffs, or reserve deputy sheriffs. All deputies appointed by the Sheriff are statutory peace officers. Sheriff appointments as a non-certified deputy sheriff and reserve deputy sheriff limit the carrying of a firearm ONLY to the duties assigned by the Sheriff while working on-duty. Even when working on-duty, the duties must specifically require the carrying of a firearm, concealed or otherwise, or a firearm is not authorized to be carried on-duty.

This policy provides guidelines for duty firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training. This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

336.2 AUTHORIZATION TO CARRY FIREARMS

Only certified personnel who have met all state and Colorado Peace Officer Standards and Training (POST) requirements and have been authorized by the Sheriff shall have the peace officer privilege to carry a firearm both on-duty and off-duty.

Detention Deputies who have met all Office requirements and have been authorized by the Sheriff because of assigned duties shall have the peace officer privilege to carry a firearm ONLY on duty (CRS § 16-2.5-101, 16-2.5-103, 16-2.5-110). Within this section, the term "deputy" includes Detentions Deputies who are POST certified and have been authorized by the Sheriff to carry a firearm.

336.3 ELIGIBLE IMMIGRANTS

An eligible immigrant who has been hired by the Office to enroll in a POST-approved training academy may possess and use a firearm in accordance with this policy at the academy and may transport, store, clean, and maintain a firearm as necessary for purposes of completing such training (CRS § 16-2.5-101).

336.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any deputy who has consumed any amount of any alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment.

336.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the deputy reasonably believes that they are absolutely necessary, effective, and reasonably safe.

336.6 USE OF FIREARMS ON ANIMALS

1. Destruction of Animals

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(a) Deputies are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. Deputies should follow their training to identify animal behaviors that may reasonably put local law enforcement officers or other individuals in imminent danger, in addition to animal behaviors that do not reasonably suggest or pose an imminent danger.

(b) Subject to safety concerns or other exigent circumstances, or when deputies have sufficient advanced notice that a potentially dangerous animal may be encountered, deputies should develop reasonable contingency plans that consider alternatives to the use of firearms. Such alternatives may include using a fire extinguisher, TASER device, oleoresin capsicum (OC) spray, or allowing the owner to control or remove the animal from the immediate area.

(c) Nothing in this policy shall prohibit any deputy from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

2. Injured Animals

(a) A deputy may euthanize a domestic animal when, in his/her judgment and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by the written certificate of two persons called to view the animal (CRS § 35-42-110).

(b) Injured wildlife may be euthanized whenever the deputy determines that no other reasonable action would be practical, humane, or effective for the rehabilitation of the wildlife (2 CCR 406-14:1405).

(c) A gunshot to the head is an accepted method of euthanasia by the American Veterinary Medical Association, taking into consideration people and nearby animals. The procedure should be performed outdoors and away from public access or visibility, whenever possible.

(d) If a disease such as rabies or chronic wasting disease is suspected, euthanasia by gunshot to the head should not be performed.

336.7 REPORT OF FIREARM DISCHARGE

1. Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on or off duty, shall make a verbal report to his/her supervisor as soon as circumstances permit.

(a) If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shooting Policy.

(b) If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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2. In all other cases, written reports shall be made as follows:

    (a) If on-duty at the time of the incident, the member shall file a written report with his/her supervisor or if necessary, provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

    (b) If off-duty at the time of the incident, the member shall report the incident to the law enforcement agency of jurisdiction and immediately notify the on-duty Sergeant.

336.8 FLYING WHILE ARMED

1. The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR § 1544.219):

    (a) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

    (b) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Sheriff's Office based on the law and published TSA rules.

    (c) Deputies must carry their office identification card, bearing the deputy's name, a full- face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office, and must present this identification to airline officials when requested.

    (d) The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

    (e) The Weld County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Weld County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.

    (f) An official letter signed by the Sheriff authorizing armed travel may accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary and should include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.

    (g) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check- in counter.

    (h) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

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(i) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times.

(j) Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(k) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(l) Deputies shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

336.9 CARRYING FIREARMS OUT OF STATE

1. Qualified, active, full-time deputies of this office are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

   (a) The deputy shall carry his/her Weld County Sheriff's Office identification card whenever carrying such firearm.

   (b) The deputy is not the subject of any current disciplinary action.

   (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

   (d) The deputy will remain subject to this and all other office policies (including qualifying and training).

   (e) Non-certified Detentions Deputies who have met all Office requirements and have been authorized by the Sheriff because of assigned duties shall have the peace officer privilege to carry a firearm ONLY on duty when carrying firearms out of state.

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

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Firearms, Equipment, and Ammunition

337.1 PURPOSE AND SCOPE

The Weld County Sheriff's Office will identify the appropriate firearms, equipment, and ammunition that shall be carried by authorized personnel while in the performance of their assigned duty or job assignment.

Personnel may purchase and carry firearms or equipment only if the items are specified in this policy or officially issued by the Sheriffs Office.

337.2 DEFINITIONS

Ammunition: A cartridge consisting of a casing, a primer, a bullet or projectile, and propellent powder designed for use in a firearm.

Armorer: A person responsible for the upkeep of the firearms and firearms associated equipment

Cruiser Ready Condition: A status of weapon readiness where the weapon is stored with the chamber empty, the bolt forward, the safety on, and a fully loaded magazine in the magazine well

Duty Handgun: A double/single action, double action only or single action semi-automatic handgun.

Handgun Holster: The device used to secure a duty handgun to the deputy's duty belt.

Duty Rifle: A semi-automatic.223 or 5.56 caliber rifle.

Iron Sights: The traditional sights with a front post and a rear aperture that are commonly found on many firearms.

Gunsmith: A person who repairs, modifies, designs, or builds firearms.

Magazine: An ammunition storage and feeding device within or attached to a repeating firearm.

Magazine Pouch: The device used to secure additional handgun magazines to a belt.

Ready to Use Condition: A status of weapon readiness where the weapon is stored with a round in the chamber and a fully loaded magazine in the magazine well

Red Dot Sight (RDS): A non-magnifying reflex, prismatic or holographic device that provides a luminous dot aiming aid.

Retention level: Designates how secure a weapon is in the holster.

Secondary Handgun: Secondary pistols are approved, personally owned duty pistols that are carried on duty in addition to the primary duty pistol.

337.3 FIREARMS

Uniformed Personnel: All uniformed personnel that are required to carry a duty handgun shall carry said weapon in ready to use condition in a minimum of a Level III retention holster, to retain

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the weapon during strenuous activity to include running, jumping, climbing and squatting, and to reduce the ability for others to disarm the deputy.

- All uniformed personnel must carry no less than two additional magazines for the duty handgun in a magazine pouch.Deputies may carry a third optional magazine in a magazine pouch, but no more than three magazines can be carried unless authorized by the Sheriff or designee.

All personnel that are required to carry a rifle will maintain the weapon in cruiser ready condition when stored in an agency locking rack mounted in the patrol vehicle.

- Deputies must carry at least two, but not more than three, rifle magazines unless assigned to SWAT or authorized by the Sheriff or designee.

All duty magazines shall be loaded to full capacity with ammunition.

Non-Uniformed Personnel: All non-uniformed personnel that are required to carry a duty handgun shall carry said weapon in ready to use condition in a minimum of a Level II retention holster to retain the weapon during strenuous activity to include running, jumping, climbing and squatting.

- Non-uniformed personnel shall conceal their handgun in a discreet manner to avoid detection from casual observation by the public.

337.4 HOLSTERS

Only agency-approved holsters can be used while on-duty, during training, or while conducting any agency-related business.

Depending on assignment, holsters must be either Level II which has an active retention device, such as a thumb break or push-button mechanism or Level III which has multiple active retention mechanisms.

Holsters for uniformed personnel must be black basket weave.

Holsters for handguns equipped with a red dot sight must have a security hood that covers the sight.

***Holsters with an auto-locking, trigger finger manipulation retention device are banned from use while on-duty, during training, or while conducting any agency-related business. ***

- The Blackhawk SERPA is an example of a holster with the auto-locking, trigger finger manipulation retention device.

Deputies are authorized to carry the Safariland model 6004 drop flex holster at their own expense.

337.5 DUTY FIREARMS

The authorized office-issued handgun is the Smith & Wesson, Military & Police, 9mm or 45 ACP with a minimum barrel length of 3-inches and a trigger pull of no less than four (4) lbs.

The authorized office issued rifle is the semi-automatic LWRC or Colt 5.56mm with an 11-inch minimum barrel length and a trigger pull of no less than five and a half (5.5) lbs and configured to satisfy the needs of a specific assignment.

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Sheriff's Office owned firearms cannot be modified from factory condition by anyone other than an agency armorer. no after-market accessories are permitted on agency firearms.

337.6 PERSONALLY OWNED FIREARMS

Any deputy that is authorized to carry a firearm may choose to carry a personally owned firearm at their own expense. Only weapons purchased from the approved manufacturer list in Appendix A – Personally Owned Firearms will be allowed. See attachment: APPENDIX A - ALTERNATIVE DUTY FIREARMS 2026 V2.pdf

Personally owned handguns must meet the same caliber, barrel length, and trigger pull specifications as outlined in the duty firearms section, and with the following additional restrictions:

1. All single action, hammer fired handguns shall be equipped with a firing pin block device.
    1. Examples include 1911 models and the 2011 Staccato.
2. ***Single-action, striker-fired handguns without an adequate striker safety mechanism are prohibited from use while on-duty, during training, or while conducting any agency-related business. ***
    1. Single-action, striker-fired handguns are defined as being fully cocked and ready to fire prior to any trigger movement. These types of handguns must have some form of adequate striker safety mechanism that prevents inadvertent discharge of the weapon unless the safety is first deactivated.
        (a) The Sig Sauer P320 or P365 are examples of a single-action, striker-fired handgun that does not have an adequate striker safety mechanism.
3. Handguns shall be black, stainless steel, or earth-tone in color. Handguns with a chrome finish or any other color are not authorized.
    1. Barrels shall be black, stainless steel, or earth-tone in color, and should generally be the same color as the firearm.
    2. Threaded barrels are not authorized unless machined by the factory for compensator installation.
4. Only firearms that come from the factory with a compensator are allowed.
    1. The compensator must mimic the slide/frame contours.
    2. The compensator cannot extend more than 1" past the frame of the firearm.
    3. The compensator must match the handgun's finish.
    4. After-market compensators are not permitted.
5. After-market modifications to firearms and magazines are limited to:
    1. Magazine sleeves, extended base plates, or weighted base plates are permitted.
        (a) The maximum thickness allowed is.75 inch or 19mm.
        (b) They cannot increase the magazine capacity.
        (c) they must be the same color as the original base plate.

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2. Magazine well flares are permitted.
    (a) They must ot excessively extend or widen the length of the pistol grip.
    (b) They must be the same color as the firearm.
3. Extended magazine releases are not permitted
4. No other after-market modifications may be made without prior approval of the Sheriff or designee, through the chain of command.

6. Deputies must also provide a department approved holster, no less than three (3) handgun magazines, and a magazine pouch, as applicable.

Personally owned rifles must meet the same caliber, barrel length, and trigger pull specifications as outlined in the duty firearms section.

337.7 SECONDARY HANDGUN

Deputies who want to carry secondary handguns are subject to the following restrictions:

1. The secondary handgun may be a revolver or semi-automatic. The approved calibers include 9mm,.40,.45 ACP,.38 special,.357 and,.380 ACP. Any deviation from the above calibers must be approved by the Sheriff or his authorized designee.
    1. Ammunition for secondary handguns, that are not of the standard calibers used by the agency, must be purchased by the deputy and must be of the same brand and type as the issued duty ammo, or as close as possible, if the exact ammo does not exist or cannot be acquired.
2. The handgun shall be in good working order and on the list of approved firearms in Appendix A – Personally Owned Firearms.
3. Only one secondary handgun may be carried at a time.
4. The purchase of a secondary handgun shall be the responsibility of the deputy.
5. The secondary handgun should be used as a last resort when the primary duty handgun is inoperable, inaccessible, or unavailable for use.
6. Secondary duty handguns should be carried in a way that allows the deputy to draw from a strong or weak hand and shall be secured at all times to prevent unintentional cocking, discharge, or loss of physical control, such as:
    1. Secured in a soft or hard holster fastened to the bullet resistant vest and concealed inside the deputy's uniform shirt or secured in an ankle holster that sufficiently secures the weapon preventing the pistol from falling out under all possible duty circumstances (running, jumping, upside down, etc.).

337.8 OFF-DUTY FIREARMS

An authorized employee may feel the need to carry a firearm during their off-duty time, for personal protection. The carrying of firearms by certified deputies while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Certified deputies who choose to carry a firearm while off-duty will be required to meet the following guidelines:

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1. Employees that choose to carry a weapon off-duty are required to conform with all applicable laws pertaining to the carrying of firearms.
2. The purchase of the firearm and ammunition, if other than an office-issued duty weapon, shall be the responsibility of the deputy.
3. The firearm shall be in good working order. It is recommended that deputies have personally owned firearms inspected annually by a certified armorer or gunsmith.
4. The firearm shall be carried in a safe manner to prevent unintentional discharge or loss of physical control.
5. When carrying a weapon, while off-duty, it is recommended that deputies carry their badge and office identification, at a minimum.

337.9 AMMUNITION

Only ammunition authorized by the Weld County Sheriff's Office will be used during an individual's job assignment. Reloaded ammunition shall not be used on duty for any reason.

Each deputy will be issued 100 rounds of duty handgun ammunition and 100 rounds of duty rifle ammunition. Additional handgun or rifle ammunition is not authorized to be carried on the person or in the agency vehicle except for in the SWAT team call out gear.

Duty ammunition will be replaced every two years; and replacements for unserviceable or depleted ammunition will be issued by the Quartermaster, when needed.

Ammunition inspections may be conducted at any time, and a deputy is expected to have his/her issued count of ammo or documented reasons why the ammo count is short.

337.10 OPTICS OR SIGHTS

Optics or Red dot sights (RDS) may only be installed on a duty firearm after the sights have been examined and approved by an armorer or qualified gunsmith.Refer to Appendix A for a list of approved red dot sights for duty use.Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once the approved sight has been properly installed on any firearm, the deputy shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying on duty.

1. The handgun must be configured by the manufacturer to accept the red dot sights, or the slide may be milled by a qualified gunsmith.
2. The handgun must be equipped with iron sights, for use in the event of red dot sight's failure.
3. The Deputy is responsible for maintenance, support equipment, and battery replacement of the red dot sights.
4. The Deputy shall demonstrate proficiency with red dot sights in an approved training course prior to carrying on duty.

All optics and red dot sights must be zero-magnification, unless for SWAT use, or approved in writing by the Sheriff or designee.

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Laser sights are not authorized unless authorized by the Sheriff for SWAT. Weapon mounted laser sighting devices with the activation switch mounted below the trigger of the firearm are prohibited.

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Inspection and Maintenance of Firearms

338.1 PURPOSE AND SCOPE

It is essential that all firearms function properly when their use becomes necessary. The Sheriff's Office will employ a process to ensure that every firearm used while on duty is completely functional and operational prior to deployment, and on an annual basis thereafter.

The security, serviceability, and cleanliness of issued and or personally owned weapons, are the responsibility of the employee. At minimum, weapon(s) will be cleaned after firing and/or exposure to inclement weather. Any weapon, personally owned or issued, will be clean or serviceable prior to reporting for duty or submission to the armorer for inspection and maintenance.

338.2 DEFINITIONS

Armorer: A person responsible for the upkeep of firearms and firearms associated equipment.

Gunsmith: A person, who repairs, modifies, designs, or builds firearms.

338.3 EXPECTATIONS

Firearms carried on-duty shall be maintained in a clean, serviceable condition.

Since the use of personally owned firearms is at the option of the individual deputy, that deputy will be responsible for furnishing, maintaining, and repairing their personally owned firearm.

All firearms, to include personally owned firearms, will be inspected by an approved armorer and/or qualified gunsmith annually, and prior to being carried on duty, to ensure that the firearm is serviceable and suitable for service.

- Deputies that carry a personally owned duty firearm shall submit, in January, an annual letter of certification provided by a gunsmith or armorer to the Quartermaster.

A record will be maintained of all firearms that are submitted for inspection.

- The record will include the make, model, serial number and caliber of each firearm and will be maintained by the Quartermaster.

Use of alternative styles of firearms related equipment for medical reasons, or use by specialty units, is at the discretion of the Sheriff or his designee.

All weapons shall be unloaded prior to submission to an armorer for inspection or repair.

338.4 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

Any firearm authorized by the Sheriff's Office to be carried, on- or off-duty, that is found by the deputy to be malfunctioning or needing service shall not be carried.

- Any malfunctioning office-issued firearm shall be promptly presented to a Sheriff's Office armorer for inspection. Any malfunctioning privately owned firearm shall be presented to a qualified armorer or gunsmith for inspection.

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- Any firearm determined to need service or repair during an inspection by a Sheriff's Office armorer, firearms instructor, or gunsmith will be immediately removed from service.
    - If the firearm is the deputy's primary duty firearm, a replacement firearm will be issued to the deputy until the firearm is serviceable. If the firearm is personally owned, the deputy may be issued an agency weapon until they can secure a replacement firearm, if they do not have a replacement firearm available to them.
- Agency armorers are authorized to make repairs that are within his/her capability and certification, and to use minor parts that may be furnished by the Sheriff's Office. All such work will be at no cost to the individual Deputy.

When a firearm is repaired by someone other than the department armorer, an inspection certificate that indicates the firearm is functional must be provided to the Quartermaster before the firearm can be carried on duty.

All repairs of agency issued firearms will either be performed by an agency armorer or through arrangements made by an agency armorer with a qualified gunsmith to complete the repairs. Deputies shall not take agency issued firearms to a non-agency armorer or gunsmith.

Any repairs or modifications to the deputy's personally owned duty firearm shall be done at his/her expense by a certified armorer or qualified gunsmith. Repairs and modifications shall follow manufacturer recommended practices.

Modifications to firearms that alter them from factory specifications, affect safety mechanisms, or diminish reliability are not permitted.

338.5 FIREARMS INVENTORY AND TRACKING

Real time custody and control of all firearms that are the property of the Sheriff's Office shall be documented in a weapons inventory record. The tracking, issuance, and retrieval of all Sheriff's Office firearms shall be the responsibility of the Quartermaster.

The Quartermaster shall maintain a record that identifies the type, serial number, and quantity of firearms controlled by the Sheriff's Office.

The Quartermaster shall maintain a record that identifies a firearm by type and serial number when issued to agency personnel.

When an employee leaves the employment of the Weld County Sheriff's Office, it is the responsibility of that employee's supervisor to ensure any issued firearms in their possession are returned on the last day that the employee works.

1. The supervisor taking possession of the weapon shall tag the firearms with the employee's name and a brief note as to the circumstances, i.e. no longer employed here, returned to inventory, etc.
2. The weapon will be placed in the armory located in the basement of the Law Admin building, to be picked up by the Quartermaster.

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3. When a firearm is received, the Quartermaster shall inventory the firearm using the bill of lading, ensuring that the serial number is correct.

338.6 PROCUREMENT AND STORAGE OF FIREARMS

This section provides guidelines for the armory and the procurement and tracking of ammunition and office purchased firearms.

ARMORY

The Training Sergeant shall maintain an armory that has a storage area and a weapon's maintenance area.

Supplies and equipment for the armory are the responsibility of the Training Sergeant.

The weapon's maintenance area shall be kept clear of incendiary devices, ammunition, and other ignition sources.

Weapons may be stored in the weapon maintenance area during any repair process, or any other time authorized by the Quartermaster.

- The storage area is designed to store the following items:
  - Ammunition
  - Firearms
  - High value equipment associated with agency functions as authorized by the Quartermaster.

Physical separation shall be maintained between firearms and ammunition within the storage area. Ammunition shall be stored in a safe manner. All stored weapons shall be unloaded at all times. Under no circumstances shall any incendiary devices be stored in the same storage area as ammunition.

ACCESS TO THE ARMORY

Access to the storage area and weapon's maintenance area of the Armory is restricted to the Sheriff, Undersheriff, Quartermaster, Training Sergeant, and armorers.

ORDERING AMMUNITION AND FIREARMS

Procurement practices should be in accordance with Sheriff's Office policy and Weld County Code. The Quartermaster is responsible for submitting a procurement request form for all firearms and any ammunition requests over $10,000. The procurement requests shall be reviewed for approval through the chain of command.

ACCOUNTING FOR AMMUNITION STORES

The Quartermaster shall be responsible for tracking outstanding orders and inventory levels of ammunition in storage.

The Quartermaster should maintain a record that identifies additions and depletions to the inventory by counting the ammunition by the case.

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PROJECTED AMMUNITION EXPENDITURES

The range team is responsible for giving the Quartermaster a report of available ammunition stored at the range after each training session.

INSPECTIONS

The armories and associated records shall always be available for inspections by Executive Staff.

Weapons carried for duty purposes are subject to periodic inspection by a supervisor, to ensure cleanliness and serviceability.

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Vehicle Pursuits

339.1 RELEVANT STATUTES

16.2.5-101 C.R.S. Peace officer – description – general authority

24-10-106 C.R.S. Immunity and partial waiver

42-04-108 C.R.S. Public officers to obey provisions – exceptions for emergency vehicles

339.2 PURPOSE AND SCOPE

Vehicle pursuits pose significant risks to uninvolved citizens, deputies, and fleeing violators. The purpose of this policy is to guide deputies in balancing public safety and their own safety while fulfilling the Office's duty to apprehend law violators. To mitigate the risk of pursuit-related incidents, deputies are required to exercise sound judgment and common sense. The decision to apprehend a suspect will continuously be assessed against both public safety and the safety of pursuing deputies, in accordance with CRS 42-4-108.

339.3 PHILOSOPHY

It is the duty and responsibility of every law enforcement officer to enforce the law of the state of Colorado and apprehend persons in violation of these laws. Deciding to engage in a motor vehicle pursuit is a critical and time-sensitive decision made under challenging circumstances. Deputies and supervisors shall not face criticism or discipline for opting out of a vehicle pursuit, even when policy permits initiation. Evaluations referenced in this policy will consider the totality of circumstances known at the time of the pursuit. Maintaining self-discipline and exercising prudent professional judgment are fundamental to the successful resolution of pursuits.

339.4 DEFINITIONS

Vehicle Pursuit - An event where one or more peace officers in marked police vehicles attempt to apprehend a suspect eluding in a vehicle, who while operating a motor vehicle, knowingly eludes or attempts to elude a deputy also operating a motor vehicle and knows or reasonably should know that he or she is being pursued by said deputy, and who operates his or her vehicle in a reckless manner.

Boxing In - A tactic to encircle and stop a violator's vehicle using law enforcement units.

Roadblocks - Strategically placed vehicles or objects aimed at halting a violator's movement.

Tire Deflation Devices - Tools intended to puncture the tires of the pursued vehicle.

Trail - To follow the path of the pursuit at a safe speed while adhering to traffic laws.

StarChase© System - A pursuit reduction system consisting of an air launched GPS projectile/ tag deployed from a fixed launcher mounted to a law enforcement vehicle

Terminate - To discontinue following or to stop chasing the fleeing vehicle.

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Additional Support Units- Sworn members responding to an anticipated termination point of the pursuit to assist in an ancillary capacity are not involved in the pursuit but are part of the pursuit response.

Vehicle Containment - A calculated maneuver or tactic utilizing vehicle contact to immobilize a target vehicle before the driver can escape or elude police by means of the vehicle. This tactic may be used to prevent a pursuit or at the termination point of a pursuit.

Failure to Yield: This occurs when a sworn member driving a marked police vehicle gives a visual and audible signal(s) directing the operator of a motor vehicle to bring their vehicle to a stop. The operator fails to stop but does not willfully increase their speed, extinguish their lights, or take other evasive action to avoid apprehension by the sworn member.

Funneling - A controlled attempt to guide the suspect vehicle towards a predetermined route and influence the suspect driver to reduce its speed. This does not include driving directly alongside or in front of the subject vehicle.

Primary Jurisdiction- The jurisdiction of the sworn member driving the primary vehicle.

Primary Vehicle- The marked police vehicle driven by the sworn member initiating a pursuit.

Secondary Vehicle- Secondary Vehicle is a police vehicle, which becomes involved in a pursuit immediately following the primary vehicle and acting as the primary vehicle's backup. The Secondary Vehicle should assume primary radio communications.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop

Special-Purpose Police Vehicle - Any sheriff's office-owned or operated vehicle other than a marked police vehicle operated by a sworn member. Special-purpose vehicles include but are not limited to canine vehicles, motorcycles, and unmarked vehicles, armored vehicles.

339.5 INITIATING A PURSUIT

Deputies in clearly marked Sheriff's Office Patrol vehicles may pursue a suspect in a vehicle when reasonable belief exists that the suspect is evading arrest or detention in a vehicle that has been signaled to stop by a peace officer, as stated in CRS 42-4-107, and the deputy has a reasonable belief that the driver or occupant of the vehicle is a suspect of one or more of the following crimes:

(a) Any violent felony crime; or

(b) The operation of a motor vehicle while under the influence of alcohol/drugs; or

(c) Motor Vehicle Theft; or

(d) Burglary to an occupied structure

A motor vehicle pursuit is conducted using an authorized emergency vehicle that is equipped with a siren and horn and at least one signal lamp mounted as high as practical and can display a flashing, oscillating or rotating red light visible from the front (CRS 42-4-213).

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Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Deputies in such vehicles may provide support to pursuing units if the vehicle is operated in compliance with all traffic laws.

Deputies should always consider reasonable opportunities to set up tools and tactics in advance if they believe a suspect is going to attempt to flee in a vehicle. Backup units, tools, etc. that are placed advantageously ahead of time can reduce the distance and duration of a pursuit.

While deputies may exercise the actions set forth in 42-4-108, when in pursuit of a vehicle, the provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons. This shall also apply when deputies are positioning themselves to assist in the tactical means to end a pursuit.

When the danger of the pursuit itself becomes greater that the risk of allowing the suspect(s) to go free, then the pursuit must be terminated. A foundation for this determination is the reason for the pursuit. For example, a pursuit of a stolen vehicle should be terminated if there does not exist a readily available tactical means to end pursuit. Conversely, a pursuit of a violent felon may be allowed to continue for a longer period to facilitate a tactical means to end the pursuit.

Deputies will not engage in a pursuit if they have a civilian rider or suspect on board.

339.6 TERMINATING A PURSUIT

Upon termination, pursuing deputies must inform communications and cease operations in pursuit mode by safely stopping and reporting status.

It is reasonable for deputies to attempt to locate a pursued vehicle and/or suspects after the vehicle or suspects are lost and if necessary, initiate a subsequent pursuit if located. Subsequent searches for vehicles and suspects are conducted while operating in an organized, non-emergency mode.

Both deputies and supervisors are required to objectively and continuously assess the gravity of the offense in conjunction with the potential risks posed to uninvolved motorists, themselves, and the broader public when determining whether to continue a pursuit. This careful evaluation is essential to ensure that the pursuit does not compromise public safety, allowing for informed decision-making that prioritizes the well-being of all individuals involved.

339.7 CONSIDERATIONS FOR INITIATING, CONTINUING, OR TERMINATING A PURSUIT

- Safety Priorities (Hostages, Innocents, First Responders, Suspects)
- Type of crime
- Weapons information
- Propensity for violence
- Weather
- Roadway conditions
- Suspect identity is known or unknown

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- Time of day
- Traffic conditions
- Pedestrians in the area / proximity to schools (arrive or release times)
- Tools, tactics, etc. availability
- Speed
- Deputy's driving abilities
- Whether the speed exceeds the performance capabilities of the pursuit vehicle.
- Jurisdictional changes (entering an incorporated city/town).
- Distance between pursuing deputies and the suspect, making further pursuit impractical.
- Loss of definite location of the fleeing vehicle.
- Damage or mechanical failure of the pursuing unit.
- Direct orders from a supervisor to terminate the pursuit.

339.8 DEPUTY RESPONSIBILITIES

Typically, pursuit units should be limited to two vehicles. Additional units may be incorporated based on situational assessment and necessity. Non-pursuing deputies must remain alert but should not engage without direction. A deputy or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of deputies involved would be insufficient to safely arrest the suspect.Any deputy who drops out of a pursuit may then proceed to the apprehension point as appropriate to assist in the search or arrest of the suspect(s), driving in a routine manner.

Marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practical.

The following are considerations for deputies involved in vehicle pursuits.

Primary Unit

The primary unit is responsible for pursuit conduct and must promptly communicate critical information to the Communications Center, including:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

(d) Description and license plate number of the vehicle.

(e) Number and descriptions of occupants.

(f) Current environmental and traffic conditions.

(g) Involvement of any other agencies.

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(h) Any weapons, threats, or other aggravating factors

Unless relieved by a supervisor or secondary unit, the deputy in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

If the initiating unit from this Office relinquishes control of the pursuit to another unit or jurisdiction and discontinues involvement in the pursuit, that initiating unit may, with permission of a supervisor, trail the pursuit to the apprehension point to provide information and assistance for the arrest of the suspect. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

Secondary Unit

The second deputy in the pursuit should assist and provide backup while remaining aware of their position relative to the primary unit.

- Immediately notifying the Communications Center of entry into the pursuit.
- Remaining at a safe distance behind the primary unit unless directed to assume the role of primary deputy, or if the primary unit is unable to continue the pursuit.
- Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- Serving as backup to the primary unit once the subject has been stopped
- Notifying Communication of jurisdictional changes

Uninvolved Units

Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic. Deputies should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor. Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, unless exigent circumstances exist.

Driving Tactics

1. The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:
2. Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
3. Because intersections can present increased risks, the following tactics should be considered:
    1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit to warn or control cross traffic.

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2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections (CRS 42-4-108(2)(b)).

4. Generally, deputies should not pursue a vehicle by driving the wrong way on a divided highway. In the event circumstances justify immediate intervention, it may be reasonably necessary for deputies to cross into the wrong way on a divided highway to immediately reduce or eliminate the threat to nearby persons, motorists, and property (CRS 42-4-108(2)(d)):

5. Deputies involved in a pursuit should not attempt to pass other units unless they are requested to do so by the affected unit (e.g. primary unit vehicle malfunction). The maneuver must be clearly coordinated between the involved deputies.

339.9 SUPERVISOR RESPONSIBILITIES

Supervisors must monitor and acknowledge a pursuit, ensuring adherence to established guidelines, and have the authority to terminate a pursuit if deemed necessary. It is the policy of this office that available supervisory control will be exercised over all motor vehicle pursuits involving deputies from this Office. The supervisor or designee is responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notify involved deputies and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit to ensure that the pursuit is conducted in accordance with this policy.

(b) Exercising management and control of the pursuit.

(c) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(d) Directing that the pursuit be terminated when appropriate.

(e) Ensures that the proper radio channel is being used.

(f) Ensures coordination between other agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency or enters a city or incorporated municipality within the Weld County Sheriff's jurisdiction.

(g) Controls and manages office units when a pursuit enters another jurisdiction.

(h) Ensures proper tools, tactics, and resources are implemented in a timely manner.

(i) Continuously consider alternative methods to end the pursuit.

(j) Proceed to the pursuit termination point to assume command.

(k) Prepares a post-pursuit critique and analysis for training purposes which addresses any concerns and acknowledges proper conduct.

If the shift supervisor does not immediately receive sufficient and or adequate information from the pursuing deputies to make an informed decision about the continuance of the pursuit, the pursuit shall be terminated by the shift supervisor.

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339.10 INTERVENTION STANDARDS

In deciding whether to use intervention tactics, deputies and supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. The decision to use any intervention tactic should be reasonable to the deputy at the time of the decision.

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Office policies guiding such use. Deputies should communicate their intentions to use pursuit intervention tactics so that personnel will be prepared for its use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be engaged:

1. Ramming or boxing in should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by deputies who have received training in such tactics and after considering the following:
    1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or members of the public.
    2. All other reasonable intervention techniques have failed or reasonably appear to be ineffective.
    3. Engaging the boxing in maneuver does not unreasonably increase the risk to officer safety.
    4. The target vehicle is stopped or traveling at a low speed.
    5. At no time should civilian vehicles be used to deploy these techniques.
2. Ramming a fleeing vehicle should be done only after other reasonable tactical means have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. When ramming is to be employed to stop a fleeing vehicle, one or more of the following factors should be present:
    1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not promptly apprehended.
    2. The suspect is driving with willful or wanton disregard for the safety of persons or driving in a reckless and life endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
3. Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of tire deflation devices, the deputy shall notify pursuing units and the supervisor of the intent to deploy

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and location. Deputies should carefully consider the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, deputies and supervisors should not deploy tire deflation devices.

4. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or members of the publ
5. StarChase may be utilized in compliance with this policy when a pursuit is initiated, or the deputy has reasonable belief that the suspect will attempt to flee prior to attempting to stop the vehicle.
    1. For purpose of clarity of communication, radio traffic should identify the device as "Star Chase".
    2. StarChase tags will be deployed in accordance with training and by personnel that have been properly trained.
    3. Once the StarChase tag has been successfully deployed, pursuing vehicles should discontinue the pursuit unless exigent circumstances for immediate apprehension exist.
    4. If the GPS signal is lost (e.g. rugged terrain) for an extended period (guideline of one hour or greater) a search warrant should strongly be considered to retrieve data from the StarChase tag.
    5. Deputies will maintain constant communication with the StarChase Monitor for speed/direction/location updates of the suspect vehicle to coordinate and direct resources to appropriate locations to apprehend the suspect. Deputies will attempt to recover all GPS projectiles which are fired.
6. The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the circumstances reasonably meet the requirements authorizing the use of deadly force. Furthermore, the Safety Priorities must always be at the forefront of every deputy decision making process. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using the vehicle as a deadly weapon.
7. The Grappler is a pursuit reduction system. Operators must assess the seriousness of the situation against public safety risks and complete the required training prior to deployment.

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339.11 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit crosses into another agency's jurisdiction, the primary deputy or supervisor should evaluate whether to request that the other agency assume responsibility for the pursuit. Unless the incursion into the new jurisdiction is anticipated to be brief, it is strongly recommended that the primary deputy or supervisor notify each relevant outside jurisdiction that the pursuit is likely to enter their area. This notification should occur regardless of whether the jurisdiction is expected to assist, as it ensures effective coordination and enhances the likelihood of a safe and successful resolution to the pursuit.

Assumption of a pursuit by another agency

Deputies will discontinue the pursuit once another agency has assumed responsibility for it, unless that agency explicitly requests continued assistance. Following the discontinuation of the pursuit, the primary unit may proceed to the termination point at the request of, or under the direction of, a supervisor to aid in the investigation. It is essential for the supervisor to coordinate with the agency managing the termination point to assess the necessity of their presence or further assistance in the investigation.

The supervisor should also ensure that they obtain any pertinent information from the agency managing the termination point for inclusion in official reports. Additionally, the roles and responsibilities of deputies at the termination of a pursuit initiated by this Office will be determined with careful consideration of the units from the agency that has taken over the pursuit.

It is important to clarify that notification of an active pursuit does not constitute a request for other agencies to join. Requests for assistance related to pursuing or assuming a pursuit should be articulated clearly and specifically. Due to communication limitations between local agencies, a request for assistance means that personnel from the assisting agency will assume full responsibility for the pursuit. Conversely, when a pursuit exits another jurisdiction and a request for assistance is made to this Office, it is expected that the original agency will relinquish control of the pursuit.

Pursuits extending into this jurisdiction

The agency that initiates a pursuit shall retain responsibility for its management and execution. Units from this Office should refrain from joining a pursuit unless specifically requested by the agency whose officers are actively pursuing the suspect. An exception to this policy occurs when a single unit from the initiating agency is engaged in the pursuit; in such cases, a unit from this Office may enter the pursuit until sufficient units from the initiating agency are available to assume control.

When a request is made for this Office to assist with or take over a pursuit that has entered our jurisdiction, the supervisor should carefully consider the following additional factors:

(a) The ability to maintain the pursuit effectively.

(b) The seriousness of the circumstances necessitating the continuation of the pursuit.

(c) Adequate staffing levels available to support the pursuit.

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(d) Public safety considerations within this jurisdiction.

(e) The safety of the pursuing deputies.

As soon as practicable, a supervisor or designated representative should review any request for assistance from another agency. After assessing the aforementioned factors, the supervisor or designee may opt to decline the request for assistance or for the Office to assume control of the pursuit.

Assistance provided to an outside agency by deputies from this Office will terminate at the county limits, assuming that the pursuing officers have secured sufficient support from other sources. Ongoing participation from this Office may continue only until an adequate number of assisting units is present.

In the event that a pursuit initiated by another agency concludes within our jurisdiction, deputies are required to promptly notify the initiating agency of the pursuit's termination. They shall also offer the necessary assistance to officers from both the initiating and other involved agencies, which may include scene control, coordination, the completion of supplemental reports, and any other assistance as needed

339.12 PURSUIT CONCLUSION

At the end of a pursuit, deputies shall employ only the level of force that is reasonably deemed necessary, based on the circumstances, to effectively fulfill their lawful duties. Unless directed otherwise by a supervisor, the primary deputy or any deputy present at the scene should take the lead in coordinating efforts to apprehend the suspect following the pursuit. In developing strategies to contain and capture the suspect, deputies must prioritize the safety of the public and their fellow officers, ensuring that all actions taken are both effective and responsible. It is imperative that all plans are carefully assessed to mitigate risks and preserve the well-being of everyone involved.

If pursued vehicle is lost, the primary unit shall promptly broadcast all relevant information to aid other units in locating the vehicle. Additionally, the primary unit will take responsibility for coordinating any subsequent search efforts, whether for the pursued vehicle or for suspects who may have fled on foot. This proactive communication and coordination are vital to ensure a comprehensive and efficient response, maximizing the chances of apprehension while maintaining public safety.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Office to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Weld County, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other divisions within the Office, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

(j) Response to disasters, civic unrest and natural emergencies.

(k) Assist in the service of civil papers.

(l) Other duties as assigned.

400.1.2 TERRORISM

The Office of Preparedness and Security (OPS) coordinates Colorado's response to terrorism (CRS § 24-33.5-1601(1)(g); CRS § 24-33.5-1606).

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It is the goal of the Weld County Sheriff's Office to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Deputies should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigations Unit Supervisor in a timely fashion.

The Investigations Unit Supervisor should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions and divisions of the Weld County Sheriff's Office.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. Criminal information and reports can be submitted to the Weld County Records for distribution to all divisions within the Office through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate unit, division, or division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Supervisors and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or deputies will be provided an opportunity to share information through daily informal patrol briefings, as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns. It is policy of the Weld County Sheriff's Office that law enforcement officers shall not use excessive force against individuals engaged in lawful and nonviolent civil rights demonstrations.

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Patrol Function

Deputies should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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Gun Legislation Standards

401.1 PURPOSE AND SCOPE

Effective July 1st, 2013 the Colorado Legislature, with the signed approval of Governor John Hickenlooper, enacted House Bills (HB) 13-1224 and (HB) 13-1229. Outlines of the gun control bills are as follows: HB 13-1224: Prohibits the sale, transfer, or possession of an ammunition feeding device that is capable of accepting, or that can be readily converted to accept, more than 15 rounds of ammunition or 5 shotgun shells (large-capacity magazines). A person may possess a large-capacity magazine if he or she owns the large-capacity magazine as of July 1st of 2013 and maintains continuous possession of the large-capacity magazine. A person who sells, transfers, or possesses a large-capacity magazine in violation of the above provision commits a class 2 misdemeanor. A large-capacity magazine that is manufactured in Colorado on or after July 1st of 2013 must include a serial number and the date upon which the large-capacity magazine was manufactured or assembled. More specifically any person who manufactures a large-capacity magazine in Colorado commits a class 2 misdemeanor.

HB 13-1229: Requires "universal" background checks before any sale or transfer of a firearm can occur, with some exceptions. This bill requires citizens to use a Federal Firearms Licensee for any sell, temporary use, or loaning of a firearm from one person to another and limits the fee for the FFL to no more than 10 dollars. Currently, there is no clear way to determine what "continuous possession" means as outlined in HB 13-1224 and most all ammunition magazines have a removable base plate which makes them capable of being modified to hold more than 15 rounds of ammunition. In addition, determining a way of monitoring the sale, transfer, and possession of large capacity magazines is not practical for law enforcement and has no relevant value in reducing crime. As outlined in HB 13-1229, transfers of firearms from one person to another through common forms of firearms sharing, temporary use, and even sales, requires an official FFL transfer. This type of requirement is not easily monitored, regulated, or important to law enforcement officers for purposes absent other extenuating circumstances (i.e. illegal transfer of a firearm to a known felon). As both of these Bills have ambiguousness and vague interpretive language which may subject our citizens to unnecessary and possible illegal search and seizure that would bring into question the constitutionality and enforceability of these laws, all Weld County Sheriff's Deputies are directed to take no action in their enforcement; effective July 1st, 2013.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Weld County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (CRS § 24-31-309).

402.2 POLICY

The Weld County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of racial- or bias-based profiling to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Deputies shall provide, without being asked, a business card to any person who was detained in a traffic stop and was not cited or arrested. The business card shall include identifying information including, but not limited to, the deputy's name, division, precinct and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, either positive or negative, regarding the traffic stop (CRS § 24-31-309(4)(a)).

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402.4.1 REASON FOR CONTACT
Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

After making a consensual or nonconsensual contact for the purpose of enforcing the law or investigating possible violations of the law, deputies should complete a report as required by CRS 24-31-309. To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved deputy should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

402.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal, (MDT) data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

402.6 STATE REPORTING
The Office shall compile, on at least an annual basis, any information derived from complaints of profiling that are received due to the distribution of business cards as provided in this policy. The information shall be made available to the public but shall not include the names of deputies or the names of persons alleging profiling (CRS § 24-31-309).

402.7 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Unit.

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All certified members will attend regular training on the subject of bias-based policing (CRS § 24-31-309). All newly employed deputies should receive a copy of this policy and initial training on the subject of bias-based policing.

402.8 PUBLIC INFORMATION

The Patrol Captain will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

403.2 CRIME SCENE RESPONSIBILITIES

The first deputy at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Deputies shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once a deputy has assumed or been assigned to maintain the integrity of the crime/disaster scene, the deputy shall continue the assignment until relieved by a supervisor.

403.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Evacuate the location as required.

(e) Identify hazards or dangerous conditions to responding personnel.

(f) Secure the inner and outer perimeter if needed.

(g) Protect items of apparent evidentiary value.

(h) Identify potential witnesses.

(i) Start a chronological log noting critical times and personnel allowed access.

(j) Prevent unauthorized access of personnel, the media or the public.

403.2.2 EXECUTION OF HEALTH ORDERS

Any certified member of this Office is authorized to execute and enforce all orders of the local health officer, which have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease.

403.3 SEARCHES AT CRIME OR DISASTER SCENES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons

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to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

403.3.1 CONSENT

Deputies should obtain consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

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Weld County Regional SWAT Team

404.1 PURPOSE AND SCOPE

The Weld County Regional SWAT Team is comprised of specialized teams: the Crisis Negotiation Team (CNT), the Entry/Containment team, and the Sniper / Observer team. The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to Office personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 SWAT TEAM DEFINED

SWAT team - A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of office policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 POLICY

It is the policy of this office to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

404.2.2 ORGANIZATIONAL PROCEDURES

This office shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing

(b) Team organization and function

(c) Personnel selection and retention criteria

(d) Training and required competencies

(e) Procedures for activation and deployment

(f) Command and control issues, including a clearly defined command structure

(g) Multi-agency response

(h) Extrajurisdictional response

(i) Specialized functions and supporting resources

404.2.3 OPERATIONAL PROCEDURES

This office shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

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(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

1. For additional guidelines, refer to the Warrant Service and Operations Planning and Deconfliciton Policies

(e) The appropriate role for a trained negotiator should be defined, including decision-making authority and identification of any non-negotiable items.

(f) A standard method of determining whether a warrant should be regarded as high risk should be developed.

(g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) The elements of post-incident scene management should include:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.

(b) Debriefing should not be conducted until involved deputies have had the opportunity to individually complete the necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis should be included.

(j) Standardization of equipment should be addressed.

404.3 TRAINING NEEDS ASSESSMENT

The SWAT commander should conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and office policy.

404.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

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(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Office.

404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the office.

404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.

(d) Bi-Annually each SWAT team member shall perform the mandatory SWAT handgun and rifle qualification courses. The qualification course shall consist of the SWAT basic drill for the handgun and rifle. Failure to qualify will require the deputy to seek remedial training from an instructor approved by the SWAT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

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(e) Bi-Annually each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the deputy during SWAT operations. Failure to qualify will require the deputy to seek remedial training from an instructor approved by the SWAT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

404.3.6 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Professional Standards Unit . Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.3.8 ANNUAL TEAM TRAINING
The SWAT commander shall ensure that team training and readiness and deployment exercises are conducted at least annually.

404.4 UNIFORMS, EQUIPMENT AND FIREARMS

404.4.1 UNIFORMS
SWAT teams from this office should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT
SWAT teams from this office should be adequately equipped to meet the specific mission identified by the Office.

404.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be office-issued or approved, including any modifications, additions or attachments.

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404.4.4 OPERATIONAL READINESS INSPECTION

The commander of the SWAT Team shall appoint a SWAT supervisor/team leader to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

404.5 MANAGEMENT/SUPERVISION OF THE SWAT TEAM

The commander of the SWAT Team shall be selected by the Sheriff upon recommendation of the staff.

404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, through the Patrol Captain, the SWAT Team shall be managed by the appointed SWAT commander.

404.5.2 TEAM SUPERVISORS

The SWAT team will be supervised by team leaders who have been appointed by the SWAT commander.

The following represent supervisor responsibilities for the SWAT Team:

(a) The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the SWAT commander.

(b) The entry/sniper teams supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT commander.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

404.6.1 SELECTION OF PERSONNEL

Interested certified personnel, who are off probation, shall submit a request to the SWAT Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of no less than three SWAT leadership personnel. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process

(c) Effective communication skills to ensure success as a negotiator

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(d) Special skills, training or appropriate education as it pertains to the assignment

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

The oral board shall submit a list of successful applicants to the Patrol Captain for review. Final selection shall be made by the Sheriff or designee.

404.6.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the CNT should attend an office-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to his/her operation on the team shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

404.7.1 SELECTION OF PERSONNEL

Interested certified personnel who are off probation shall submit a request to the SWAT Commander or designee. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. At a minimum, the testing process will consist of an oral board, physical agility test, SWAT basic handgun and rifle evaluation, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance
2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member
3. Special skills, training or appropriate education as it pertains to the assignment
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations

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(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT firearms assessment: Candidates will be invited to shoot a SWAT firearms assessment course with handgun and rifle. A qualifying score must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to the Captain by the SWAT Commander for review.Final selection shall be made by the Sheriff or designee.

404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

404.8 OPERATIONAL GUIDELINES FOR THE SWAT TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT Commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the SWAT Team should respond. Upon final determination by the Shift Sergeant, the SWAT Commander will be notified.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM

The following are examples of incidents that may result in the activation of the SWAT Team:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Cases of suicide threats

(d) Arrests of persons reasonably believed to be dangerous

(e) Any situation in which SWAT or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

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404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agencies must be approved by the Shift Sergeant. Deployment of the Weld County Sheriff's Office SWAT Team in response to requests by other agencies must be authorized by the Sheriff or designee.

404.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Weld County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Weld County Sheriff's Office when working in a multi-agency situation.

404.8.5 MOBILIZATION OF THE SWAT TEAM

The on-scene supervisor shall make a request to the Shift Sergeant for the SWAT Team to respond. The Shift Sergeant shall then notify the SWAT Commander.If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained by the SWAT Team. The Shift Sergeant will then notify the Lieutenant or Captain as soon as practicable.

The Shift Sergeant or on-scene supervisor should brief the SWAT Commander with the following information if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of deputies involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SWAT Commander shall then call selected deputies to respond.

Unless exigent circumstances require immediate deployment , the SWAT Commander should seek approval for mobilization.

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

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(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency arrest response team prior to SWAT arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a lethal threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the SWAT Team has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for and stage anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team, the Incident Commander shall brief the SWAT Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT Team. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the SWAT Team. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

404.8.8 COMMUNICATION WITH SWAT TEAM PERSONNEL

All persons who are non-SWAT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with Negotiations personnel directly. All non-emergency communications shall be channeled through the CNT Sergeant or the authorized designee.

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Ride-Alongs

405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Weld County Sheriff's Office. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

405.2 POLICY

Ride-along opportunities will be provided to members of the public, County employees, and members of this office to observe and experience, first-hand, various functions of the Weld County Sheriff's Office. The term “ride-along” includes riding as a passenger with a deputy on patrol or observing the work day of members engaged in other functions within the Office, such as Dispatch.

405.3 ELIGIBILITY

A ride-along is available to Weld County residents and business owners, students currently attending class in Weld County, and those employed within the County of Weld County. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include but are not limited to:

- Being under 16 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this office or the County.
- Denial by any supervisor.

405.4 AVAILABILITY

A ride-along or job observation is available most days of the week, ending at 10 p.m. Exceptions to this schedule may be made as approved by the Sheriff or Shift Sergeant.

405.5 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Cadets
- Explorers
- Volunteers
- Chaplains
- Reserves
- Auxiliaries

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- Any others with approval of the Shift Sergeant
- Students enrolled in any office-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in office vehicles at a given time.

Ride-along requirements for office Cadets and Explorers are covered in the Sheriff's Cadets and Explorers Policy.

405.5.1 OFF-DUTY PARTICIPATION

Off-duty members of this office or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this office without the express consent of the Shift Sergeant.

In the event that such participation is permitted, the off-duty office member, other law enforcement agency personnel, or County employee shall not:

(a) Be considered on-duty.

(b) Represent him/herself as a member of this office or any other law enforcement agency.

(c) Participate in any law enforcement activity except as emergency circumstances may require.

405.5.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Colorado Crime Information Center (CCIS) and National Crime Information Center (NCIC) criminal history check prior to approval of the ride-along.

405.5.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse, or jacket; slacks; and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Sergeant. The Shift Sergeant or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

405.6 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Civil Sergeant. The applicant will complete and sign a ride-along or job observation waiver form. All applicants shall complete a ride-along waiver and background form. Information requested will include a valid state-issued identification card or driver's license number, birthdate, address, and telephone number.

The Civil Sergeant will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form and background form will be maintained and kept on file by the Civil Sergeant.

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If the request is denied, a representative of this office will advise the applicant of the denial.

405.7 MEMBER RESPONSIBILITIES

The assigned office member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit his/her participation. Instructions should include:

(a) The participant will follow the directions of the office member.

(b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handing any sheriff's office equipment.

(c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.

1. If the ride-along is in progress, the member may return the participant to the point the ride originated.

(d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.

(e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.

(f) Participants who are not law enforcement officers shall not be permitted to accompany the office member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the [dispatcher] that a ride-along participant is present in the vehicle before going into service. A deputy with a ride-along participant should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lit public place. The [dispatcher] will be advised of the situation and as soon as practicable have another office member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride, or is otherwise inappropriate, should be immediately reported to the Shift Sergeant. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this office.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver's statements or shipping documents from the person transporting the material.

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3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the local Colorado State Patrol Dispatch to request assistance from the Colorado State Patrol Hazardous Materials Unit.

(l) If available, activate reverse 9-1-1 calling to the affected area.

406.3 REPORTING EXPOSURE

Office personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented appropriately and forwarded via chain of command to Human Resources as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the documentation on behalf of the employee and submit it accordingly.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

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Hazardous Material Response

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded persons. Trained crisis negotiators, however, will be permitted to exercise flexibility in each situation, consistent with their training and based upon the circumstances presented.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by the Use of Force Policy with due regard for the safety of hostages.

407.3 COMMUNICATION

Upon determining that a hostage/barricaded-person situation exists, the first responder shall immediately request that a supervisor respond and shall provide the supervisor with an overview of the situation. If a supervisor is unavailable, the first responder shall assume the duties of the supervisor.

Until the supervisor arrives, the first deputy on the scene of an actual or potential hostage/barricade situation shall, if practicable:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained crisis negotiation personnel.

(b) Evacuate and provide medical treatment to the injured if they can be reached.

(c) Determine the immediate threat area.

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(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Establish an inner and outer perimeter.

(f) Establish a Command Post location.

(g) Evacuate bystanders, residents and businesses.

(h) Notify tactical and crisis negotiation personnel.

(i) Notify appropriate persons within and outside the agency, such as command officers, dog handlers or helicopter pilots.

(j) Request ambulance, rescue, fire and surveillance equipment as needed.

(k) Establish a primary reaction team prior to CRU arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(l) Coordinate pursuit/surveillance vehicles and control of travel routes.

407.3.1 EMERGENCY COMMUNICATIONS

Any office member supervising a hostage or barricade situation in this jurisdiction may order a security employee of a communications or internet access provider to cut, reroute or divert telephone lines or a cellular or digital communications signal to prevent the suspect from communicating with any person other than a law enforcement officer (CRS § 18-9-312).

Any office member supervising a hostage or barricade situation may also order a telecommunication provider to disclose location information of any hostage's or other named person's telecommunications device if the supervising member reasonably believes that the time required to obtain a court order would increase the risk of death or serious bodily injury to the hostage or any person with the named person (CRS § 18-9-312). The supervising member shall ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

407.4 FIRST RESPONDER CONSIDERATIONS

(a) Upon being notified that a hostage/barricaded-person situation exists, the supervisor shall immediately respond to the scene. Upon arrival, the supervisor shall:

1. Rapidly evaluate and assess the situation, including being briefed by the initial responders.
2. Assume the role of Incident Commander and retain this role until relieved.
3. Assume and complete any outstanding first responder responsibilities and designate assistants as required.
4. Authorize news media access in accordance with the Media Relations policy.

(a) The supervisor or Shift Sergeant should advise the CRU supervisor with as much of the following information as is available at the time:

1. The number of persons, known weapons and resources

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2. If the person is in control of hostages
3. If the person is barricaded
4. The type of crime involved
5. If the person has threatened or attempted suicide
6. The location of the Command Post and a safe approach path
7. The extent of any perimeter and the number of deputies involved
8. Any other important facts critical to the immediate situation and whether the person has refused an order to surrender

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. In the interim, the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.

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(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that deputies react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Public Information Officer.

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(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Sergeant shall brief the CRU commander(s) and team supervisors about the situation. Upon review, it will be the Incident Sergeant's decision, with input from the CRU commander(s), whether to deploy the Crisis Response Unit. Once the Incident Sergeant authorizes deployment, the CRU commander(s) will be responsible for the tactical portion of the operation. The Incident Sergeant shall continue supervision of the Command Post operation, outer perimeter security and support for the Crisis Response Unit. The Incident Sergeant and the CRU commander(s) or the authorized designee shall maintain communications at all times.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

In an emergency where it is believed that an armed and barricaded suspect or a person holding a hostage is committing a crime, the supervisor may order a designated telephone company security official to cut or otherwise control telephone lines to prevent telephone communication by the armed suspect or the hostage holder with a person other than a peace officer or person authorized by law enforcement (CRS § 18-9-312).

407.6.1 REPORTING

Unless otherwise relieved by a supervisor or IC, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist deputies in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

408.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When a deputy responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) The device should not be touched or transported to any other location.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(c) A perimeter should be secured for a minimum of 300 feet around the location, or an otherwise safe distance depending on the surrounding physical environment and allowing for an entrance for support personnel.

(d) As much initial information as possible should be relayed to the Shift Sergeant without touching the device, including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction).

(e) Deputies should not transmit on any equipment that produces radio frequency energy within 300 feet.

(f) Consideration should be given to the possibility of evacuation if a device is located within a building.

(g) An additional perimeter should be secured around any suspected device.

(h) Deputies should consider the ingress/egress of additional support personnel, such as paramedics and fire department personnel.

(i) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.

(j) Explosive or military ordnance of any type should be handled only by bomb squad technicians.

(k) When in doubt, call for assistance from the bomb squad.

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408.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront a deputy. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the deputy:

- Injury to victims
- Existence of additional or secondary devices
- First aid
- Evacuation of victims

408.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department and/or state fire marshal

(b) Bomb squad

(c) Additional deputies

(d) Field supervisor

(e) Shift Sergeant

(f) Investigators

(g) Forensic science services

(h) Colorado Bureau of Investigation (CBI)

(i) Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF)

408.3.2 CROWD CONTROL

Scene access should be restricted to those with a legitimate public safety purpose.

408.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a wide area. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

408.4 BOMB THREATS AT SHERIFF'S FACILITY

This procedure shall be followed should a bomb threat be received at a sheriff's facility and a search initiated for a destructive device.

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408.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb threat is received at a sheriff's facility:

- When is the bomb going to explode?
- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Where are you?
- Who are you? To avoid possible termination of the call, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these prior questions. During this time, document the following:

- Time of the call
- Exact words of the person as accurately as possible
- Estimated age and gender of the caller
- Speech patterns and/or accents
- Background noises

If the threat is received at a sheriff's facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Office evidence procedures.

408.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Shift Sergeant will be advised and fully informed of the details. The Shift Sergeant will then direct and assign deputies as required for coordinating a general building search or evacuation as deemed appropriate.

408.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Office is informed of the threat.

408.5.1 BOMB THREAT RESPONSE OPTIONS

The options available to the person in charge of the facility are generally:

(a) No search and no evacuation.

(b) Search without evacuation.

(c) Evacuation without search.

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(d) Evacuation and search.

408.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the Shift Sergeant shall be notified and will make the decision whether the Office renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach, including law enforcement control over the facility, may be considered.

408.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the Shift Sergeant determine that the Office will assist or control a bomb threat incident, the Shift Sergeant will determine:

(a) The level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search.

(d) The appropriate support necessary.

Considerations regarding the involvement of the facility staff in searching and evacuating is important. A search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage to the facility as a product of a search. The safety of all participants is the paramount concern.

Consideration for additional support resources should include notification and response, or standby notice, for fire, medical and ambulance.

408.5.4 BOMB THREATS AT A FEDERAL BUILDING OR PROPERTY

A bomb threat incident at a federal building or property shall be reported to the Federal Protective Service (877-437-7411). The Federal Protective Service will provide a uniformed police response, which may include use of its Explosive Detector Dog Teams.

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Summons Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Weld County Sheriff's Office with guidance on when to release adults who are suspected offenders on a summons for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

409.2 POLICY

The Weld County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a summons, when authorized to do so.

Deputies are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

409.3 RELEASE

A suspected offender may be released on issuance of a summons as follows:

(a) For a misdemeanor or petty offense when the deputy is satisfied that the person will comply with the requirements of the summons (CRS § 16-3-105)

(b) For a civil infraction (CRS § 16-2.3-103)

(c) For certain traffic violations punishable as a misdemeanor, petty offense, or misdemeanor traffic offense (CRS § 42-4-1707)

(d) For a violation or attempted violation of a protection order as described in CRS § 18-6-803.5(3)(b.5)

A suspected offender shall be released on issuance of a summons as follows:

- For certain drug-related misdemeanors or drug possession in violation of a local ordinance when a colorimetric field drug test was used (CRS § 16-3-105)

In addition, for civil infractions and certain parking violations, the deputy may give the offender a penalty assessment notice and release the offender upon its terms (CRS § 16-2-201; CRS § 16-2.3-102; CRS § 42-4-1701(5)(a)). The penalty assessment notice must be a summons and complaint that contains the information required by CRS § 16-2-201, CRS § 16-2.3-102, or CRS § 42-4-1707.

409.4 PROHIBITIONS

The release of a suspected offender on a summons is not permitted for felony offenses, except when local district attorney has approved criteria for the issuance of a summons for non-violent offenses pursuant to CRS § 16-5-206 (CRS § 16-3-105).

See the Domestic Violence Policy for release restrictions related to those investigations.

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409.4.1 PROHIBITIONS IN CERTAIN NON-VIOLENT OFFENSES

A summons otherwise authorized pursuant to procedures approved by the local district attorney shall not be issued in lieu of a custodial arrest when a deputy reasonably believes that any of the following apply (CRS § 16-5-206):

(a) There is a reasonable likelihood that the person will not appear in court.

(b) The defendant has had a felony arrest during the preceding five years.

(c) There is an allegation that the defendant used a deadly weapon (e.g., firearm, knife, bludgeon, any other weapon capable of producing death or serious bodily injury) in the commission of the crime.

(d) The person has an outstanding arrest warrant.

409.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.

(e) The individual's ties to the area, such as residence, employment, or family.

(f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

409.6 REQUESTING CASE NUMBERS

Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. However, criminal state statute sections will require a incident report to document the incident properly. This section does not preclude a deputy from completing a incident report if he/she feels the situation should be documented more thoroughly in a case report.

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to deputies when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, http://www.travel.state.gov.

410.1.1 DEFINITIONS

Definitions related to this policy include:

Foreign national - Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

Immunity- Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

410.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Deputies should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected

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by the deputy, and the deputy has verified or reasonably suspects that the claim of immunity is valid.

410.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

410.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

410.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court of jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

410.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

410.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the DOS identification card, Foreign Service personnel should have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state (22 USC § 4301).

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410.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have Colorado license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the deputy has reason to question the legitimate possession of the license plate.

410.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

410.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing deputy:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the deputy's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(c) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.

(d) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(f) All other claimants are subject to the provisions of policy and procedures outlined here.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

410.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

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A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the deputy or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the deputy has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Office personnel should use the following numbers in order of preference:

Office of Foreign Missions
Chicago, IL
(312) 353-5762
(0800-1645 CST)

Office of Foreign Missions
Diplomatic Motor Vehicle Office
Washington D.C.
(202) 895-3521 (Driver's License Verification) or
(202) 895-3532 (Registration Verification)
(202) 895-3533 FAX
(0815-1700 EST)

Department of State
Diplomatic Security Service
Command Center
Washington D.C.
(202) 647-7277
(202) 647-1512
(Available 24 hours)
(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Colorado Consular Corps, local law enforcement agencies, the foreign embassy or consulate, a driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

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If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in an Driving While Impaired (DWI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The deputy shall either complete a notice to appear or a written report documenting the incident.

This Office shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this office shall send to the Bureau of Diplomatic Security, OFM of the DOS, a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Office.

410.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Accident Report. The actual driver's license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in this policy.

410.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

410.6.2 REPORTS

A photocopy of each Traffic Accident Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Sheriff within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement

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contact that should be reported to DOS for further action. The Shift Sergeant/supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating deputy, along with any supervisor's notes, materials and/or logs, to the Sheriff's office within 48 hours of the incident. The Sheriff's office will check to ensure the notification of DOS and all necessary follow-up occurs.

410.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Deputies shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Deputies shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the deputy's presence.

After a lawful detention or criminal arrest, deputies may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Deputies shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Deputies shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever a deputy arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the deputy shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the deputy shall begin the notification process.

410.7.1 ARREST PROCEDURE

Whenever a deputy physically arrests or detains an individual for criminal investigation and the deputy reasonably believes the person to be a foreign national, the deputy shall inquire to determine the person's citizenship.

If the individual indicates that he/she is other than a U.S. citizen, the deputy shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

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If the individual requests such notification, the deputy shall contact Dispatch as soon as practicable and request the appropriate embassy/consulate be notified. Deputies shall provide Dispatch with the following information concerning the individual:

- Country of citizenship
- Full name of the individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention, if the place of detention is different from the Office itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, deputies shall provide Dispatch with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the DOS website, http://www.travel.state.gov.

410.7.2 DOCUMENTATION

A deputy who has probable cause to believe that an arrestee is not legally present in the United States shall report such arrestee to ICE if the arrestee is not being held at a detention facility. If the arrestee is held at a detention facility, jail personnel will promptly notify the receiving officials when the arrestee is suspected of not being legally present in the United States (CRS § 29-29-103 (2)(a)(I)).

410.7.3 DOCUMENTATION

Deputies shall document on the face page and in the narrative of the appropriate arrest or investigation report the date and time Dispatch was notified of the foreign national's arrest/detention and his/her claimed nationality.

410.7.4 REPORTING

The Weld County Sheriff's Office shall annually report to the Legislative Council of the General Assembly on or before March 1 of each year the number of arrests reported to ICE (CRS § 29-29-103(b)).

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

411.2 POLICY

The Weld County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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(h) Availability of rescue task force or advanced medical care.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

The Patrol Captain should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Patrol first-response training.

(f) Response coordination and resources of emergency medical and fire services.

(g) Equipment needs.

(h) Mutual aid agreements with other agencies.

(i) Coordination with private security providers in critical incident target sites.

411.6 TRAINING

The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

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(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

411.7 EQUIPMENT

The Office may issue active shooter kits to first responders.Active shooter kits consist of hard body armor in molle carriers and ballistic helmets with face shields. They are intended to provide the first responder additional lifesaving protection during crisis and riot situations.

For specific guidance on active shooter kits, refer to the agency Body Armor policy.

411.7.1 EQUIPMENT DEPLOYMENT

Deputies should only don the active shooter kits if there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger.

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Reporting Law Enforcement Activity Outside of the Jurisdiction

412.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Weld County Sheriff's Office.

412.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE COUNTY

When a deputy is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Sergeant and shall respond to the request as outlined in the Mutual Aid and Outside Agency Assistance Policy. If the request is of an emergency nature, the deputy shall notify Dispatch before responding and thereafter notify a supervisor as soon as practicable.

412.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE COUNTY

Any on-duty deputy who engages in self-initiated law enforcement activities of any type outside the immediate jurisdiction of the Weld County Sheriff's Office that are not part of a mutual aid request shall notify his/her supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Shift Sergeant as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the Sheriff via the chain of command as necessary.

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Weld County Sheriff's Office relating to immigration and interacting with federal immigration officials.

413.2 POLICY

It is the policy of the Weld County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Colorado constitutions.

413.3.1 BASIS FOR CONTACT

Deputies must make legitimate contact with and have reasonable suspicion that an individual is an undocumented alien prior to investigating immigration status. The fact that an individual is suspected of being an undocumented alien should generally not be the sole basis for contact, detention or arrest.

413.3.2 SWEEPS

The Weld County Sheriff's Office does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation or arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

413.3.3 ICE REQUEST FOR ASSISTANCE

Deputies have a duty to cooperate with state and federal officials with regard to enforcement of state and federal laws regarding immigration.

If a specific request is made by ICE or any other federal agency, this office will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

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413.3.4 IDENTIFICATION

Whenever an individual is reasonably suspected of a criminal violation (e.g., infraction, misdemeanor or felony), the investigating deputy should take reasonable steps to determine the individual's identity through valid identification or other reliable sources. If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

413.3.5 ARRESTS

If the deputy intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the deputy may take the person into custody on the suspected criminal violation if there is a substantial likelihood that the individual will not show up at a later date. A field supervisor shall approve all such arrests.

413.3.6 DETENTION

A person detained exclusively for a traffic violation or misdemeanor should not be detained longer than necessary for the purpose of establishing his/her true identity.

413.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

A deputy who has probable cause to believe that an arrestee is not legally present in the United States shall report such arrestee to ICE if the arrestee is not being held at a detention facility. If the arrestee is held at a detention facility, the arresting deputy shall promptly notify the receiving custody officials when the arrestee is suspected of not being legally present in the United States.

Deputies are not required to make the above report to ICE when the person was arrested for domestic violence as defined by CRS § 18-6-800.3.

413.4 DETENTIONS

A deputy shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (CRS § 24-76.6-102).

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, they may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

413.5 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Sheriff.

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Emergency Utility Service

414.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this office should be handled in the following manner.

414.1.1 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

414.1.2 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

414.2 TRAFFIC SIGNAL MAINTENANCE

The County of Weld County contracts with a private company to furnish maintenance for all traffic signals within the County, other than those maintained by the Colorado Department of Transportation (CDOT).

414.2.1 DEPUTY'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the deputy will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Patrol Rifles

415.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Weld County Sheriff's Office will make patrol rifles available to qualified deputies as an additional and more immediate tactical resource.

415.2 PATROL RIFLE

415.2.1 DEFINITIONS

Definitions related to this policy include:

Patrol rifle - An authorized weapon which is made available to properly trained and qualified deputies as a supplemental resource to their duty handgun. No personally owned rifles may be carried for patrol duty unless pre-approved by the Office Armorer.

415.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff may be used by deputies in their law enforcement responsibilities. The authorized patrol rifle issued by the Office is the LWRC.

415.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect and service each patrol rifle at scheduled intervals.

(b) Each patrol deputy carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol deputy shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the Armorer.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Armorer at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer.

415.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Office training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete quarterly training as provided by the range team. Additionally, deputies shall be required to

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successfully complete bi-annual firearms proficiency qualifications as outlined in the Firearms Qualifications policy.

415.6 DEPLOYMENT OF THE PATROL RIFLE

Deputies may deploy the patrol rifle in any circumstance where the deputy can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the deputy reasonably anticipates an armed encounter.

(b) When a deputy is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where a deputy reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a deputy reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.

(e) When a deputy reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

415.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Report of Firearms Discharge policy.

415.8 PATROL READY

Any qualified deputy carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned deputy, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

415.9 RIFLE STORAGE

(a) Patrol rifles should be secured in the vehicle gun lock or case in a locked trunk while on duty.

(b) Storage of firearms at home consists of deputies ensuring that all firearms and ammunition are stored in a safe manner while in their homes or any other area under their control with appropriate measures taken to insure the firearm is inaccessible to children and irresponsible adults.

(c) Deputies who take patrol cars home or leave patrol cars overnight, any place other than at the Sheriff's Office or Sheriff's substation, shall remove all firearms from the patrol car(unless the firearm is a rifle and it is locked in an agency locking rack mounted in a patrol car) and secure them in the Armory or in their home consistent with section b.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Weld County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene office supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the County of Weld County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training Officer Program

417.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Weld County Sheriff's Office.

It is the policy of this office to assign all new sheriff's deputies to a structured FTO Program that is designed to prepare the new deputy to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

417.2 FIELD TRAINING OFFICER

The FTO is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Demonstrated proficiency in their job performance and consistent acceptable performance

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Evaluation by supervisors and current FTOs

(f) Possess a Colorado Peace Officer Standards and Training (POST) Basic Certificate

417.2.2 TRAINING

A deputy selected as an FTO shall successfully complete an FTO course approved by the Office prior to being assigned as an FTO, or as soon as practicable.

All FTOs must complete an FTO update course approved by the Office every three years while assigned to the position of FTO.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program Supervisor will be selected from the rank of sergeant or above by the Professional Standards Lieutenant or the authorized designee and shall complete a Field Training Administrator's Course approved by the Office within one year of appointment to this position.

The responsibilities of the FTO Program Supervisor includes the following:

(a) Assign trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

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(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor the overall FTO Program.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

417.4 TRAINEE DEFINED

Trainee - Any entry level or lateral sheriff's deputy newly appointed to the Weld County Sheriff's Office, who has successfully completed a POST-approved basic academy and possesses a Colorado POST Basic Certificate within one year of commencing employment as a peace officer.

417.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

417.5.1 FIELD TRAINING MANUAL

Each new deputy will be given access to a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the Weld County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Weld County Sheriff's Office.

417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit an evaluation on the performance of their assigned trainee to the field training supervisor on a daily basis.

(b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day when possible.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.

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(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

417.6.2 IMMEDIATE SUPERVISOR
The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations when a request is made for a performance area of concern. All routine Daily Trainee Performance Evaluations will be forwarded directly to the Field Training Supervisor.

417.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Supervisor will review and approve the Daily Trainee Performance Evaluations submitted by the FTOs.

The Field Training Supervisor will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Sheriff, via the chain of command, for review and approval.

417.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

417.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End of phase evaluations

(c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training

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Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under protective custody for civil commitment (CRS § 27-65-106; CRS § 27-65-107; CRS § 27-81-111).

418.2 POLICY

It is the policy of the Weld County Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 AUTHORITY

Deputies may take a person into protective custody:

(a) When the deputy has probable cause to believe that a person is either gravely disabled or an imminent danger to self or others due to a mental health disorder (CRS § 27-65-106).

1. The deputy should transport the person to a designated or approved facility for a 72-hour treatment and evaluation.

(b) When the deputy has probable cause to believe that a person is experiencing a behavioral health crisis and in immediate need of professional intervention to prevent harm to self or others (CRS § 27-65-107).

1. The deputy should consult with a behavioral health crisis response team, if available, and transport the person to a designated or approved outpatient mental health facility or other clinically appropriate facility.

2. The deputy should provide the person to be transported an opportunity to make a telephone call, absent any safety concerns.

(c) When the deputy has probable cause to believe that a person is under the influence of or incapacitated by substances and is clearly dangerous to the health and safety of the person's self or others (CRS § 27-81-111).

1. The deputy should transport the person to a designated or approved treatment facility.

If an appropriate facility is not available for a mental health hold or behavioral health crisis hold, deputies should take the person to an emergency medical services facility, as defined by CRS § 27-65-102 (CRS § 27-65-106; CRS § 27-65-107).

If an appropriate facility is not available for a substance abuse hold, the person may be detained in an emergency medical services facility or jail facility, but only for as long as may be necessary to prevent injury to the person's self or others or to prevent a breach of the peace. Juveniles in protective custody shall not be detained in a jail facility (CRS § 27-81-111).

418.3.1 DETENTION

Detention of a person under a mental health hold does not constitute an arrest. When a person is taken into protective custody for a mental health hold, that person shall not be detained in the

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jail, lockup, or other place used for the confinement of persons charged with an offense (CRS § 27-65-106).

Detention of a person held for a substance abuse emergency commitment is considered protective custody and does not constitute an arrest (CRS § 27-81-111).

418.3.2 WRITTEN DOCUMENTATION

The deputy shall complete an application for emergency admission and provide it to the staff member assigned to that patient. The deputy will retain a copy of the emergency admission form for inclusion in the case report.

The deputy shall also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

418.3.3 SECURING OF WEAPONS

If a receiving facility prohibits weapons or if an extraordinary event occurs in the treatment facility and deputies determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the sheriff's unit.

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

418.5 TRANSPORTATION

Transport for any individual for a civil commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy shall

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provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

418.7 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputy should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

418.8 TRAINING

This office will endeavor to provide office-approved training on interaction with persons with a mental disability, behavioral health crises, substance abuse crises, civil commitments, and crisis intervention.

418.9 REPORTING SUBSTANCE ABUSE HOLDS

The deputy should ensure that the Records Manager is provided enough information relating to a substance abuse hold to meet the reporting requirements of the Behavioral Health Administration (CRS § 27-81-111).

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Obtaining Air Support Assistance

419.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

419.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or deputy in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made once approved by the Sheriff or his designee via the chain of command.

419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Sergeant or the authorized designee will call the closest agency having air support available. The Shift Sergeant will apprise that agency of the specific details of the incident prompting the request.

419.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft is likely to reduce such hazard

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard

(e) Pre-planned events or actions that require air support

(f) When the Shift Sergeant or equivalent authority determines a reasonable need exists

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will not replace the need for deputies on the ground and is rarely available without considerable preplanning. The Sheriff's Office does not maintain any type of aircraft support and would be relying solely on the assets of another jurisdiction, the Department of Wildlife, or privately owned aircraft.

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Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.2 POLICY

The Weld County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

420.3 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Consensual search - A search performed by a deputy following the voluntary consent of the person being searched, or the person having control of the place or item being searched.

Contact - an in-person interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. "Contact" does not include routine interactions with the public at the point of entry or exit from a controlled area; a non-investigatory and consensual interaction with a member of the public, initiated by a member of the public, unless and until the interaction progresses into an investigation of a possible violation of the law; a motorist assist; undercover interactions; or routine interactions with persons detained in a jail or detention facility.

Demographic information: race, ethnicity, sex, and approximate age.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

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Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Peace Officer - any person employed by a political subdivision of the state required to be certified by the P.O.S.T. board pursuant to section 16-2.5-102, a Colorado State Patrol Officer as described in section 16-2.5-114, and any noncertified deputy sheriff as described in section 16-2.5-103 (2).

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

420.4 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Weld County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

420.4.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual’s:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) Actions suggesting that he/she is engaged in a criminal activity.

(c) Presence in an area at an inappropriate hour of the day or night.

(d) Presence in a particular area is suspicious.

(e) Carrying of suspicious objects or items.

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.

(g) Location in proximate time and place to an alleged crime.

(h) Physical description or clothing worn that matches a suspect in a recent crime.

(i) Prior criminal record or involvement in criminal activity as known by the deputy.

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420.5 CONSENSUAL SEARCHES

A deputy may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows (CRS § 16-3-310):

(a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.

(b) The person is informed that he/she is being asked to voluntarily consent to a search.

(c) The person is informed that he/she has the right to refuse the request to search.

(d) The person voluntarily provides consent.

When asking for consent, deputies should explain the scope of the search. Deputies should stop a consent search if the person withdraws consent.

Deputies should, whenever practicable, obtain written consent. If written consent is not possible, the deputy should record any verbal consent.

420.6 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect’s outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to (see also CRS § 16-3-103(2)):

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single deputy.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

When reasonably possible, pat-down searches should be performed by deputies of the same gender as the suspect. Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

420.7 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

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420.7.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should document the subject's consent through a written report or other reasonable means.

420.7.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

420.7.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Intelligence Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Weld County Records.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

420.7.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken. Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

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420.8 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by office members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

420.9 DATA REPORTING RELATING TO CONTACTS AND ENTRIES INTO A RESIDENCE

Deputies shall report all contacts and entries into a residence, including a forcible entry, using the software approved for citizen contact data collection. Deputies shall report (C.R.S. 24-31-903 (2)(c)):

(a) Except for a witness or a survivor of a crime, the perceived demographic information of the person contacted based on the observed and perceived characteristics and other available data.

(b) Whether the contact was a traffic stop.

(c) Whether the contact was a showup, as defined in C.R.S. 16-1-110 (1)(b).

(d) The time, date, and location of the contact.

(e) The duration of the contact.

(f) The reason for the contact.

(g) The suspected crime.

(h) The result of the contact, such as:

1. No action, warning, citation, property seizure, or arrest.
2. If a warning or citation was issued, the warning provided or violation cited.
3. If an arrest was made, the offense charged.
4. If the contact was a traffic stop, the information collected, which is limited to the driver.

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5. If the contact was a showup, the information collected pursuant to section 16-1-109 (6) for the eyewitness and the subject.

(i) The actions taken during the contact, including but not limited to whether:

1. Consent to search the person was requested, and, if so, whether consent was provided.
2. A person, vehicle, or any property was searched, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.
3. Any property was seized and, if so, the type of property that was seized and the basis for seizing the property
4. A peace officer unholstered or brandished a weapon during the contact, and, if so, the type of weapon.
5. A peace officer discharged a weapon during the contact.

420.10 DATA REPORTING RELATING TO UNANNOUNCED ENTRIES INTO A RESIDENCE

Deputies shall report all unannounced entries into a residence, with or without a warrant, using the software approved for citizen contact data collection. Deputies shall report (C.R.S. 24-31-903 (2)(d)):

(a) The date, time, and location of the use of unannounced entry.

(b) The perceived demographic information of the subject of the unannounced entry provided that the identification of these characteristics is based on the observation and perception of the Deputy making the entry and other available data.

(c) Whether a peace officer unholstered or brandished a weapon during the unannounced entry, and, if so, the type of weapon; and

(d) Whether a peace officer discharged a weapon during the unannounced entry.

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Criminal Intelligence

421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Weld County Sheriff's Office appropriately utilizes criminal intelligence systems to support investigations of criminal offenders, organizations and enterprises. This policy also seeks to implement guidelines for the collection, evaluation, maintenance, dissemination, review, and disposition of criminal intelligence, in conformance with the privacy interest and constitutional rights of individuals, groups, associations, or other legal entities.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence - Data from overt (available to the general public) and covert sources regarding individuals and organizations associated with criminal activity that has been processed – collected, evaluated, collated, and analyzed – and used in connection with, and in furtherance of, law enforcement investigative purposes. The term includes data that:

1. Is general threat information not necessarily directed at a specific arrest or prosecution
2. Is information collected through undercover operations and through photographic, electronic, or other media
3. 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 a criminal act

Criminal intelligence file - compiled information involving the identification, behavior, activity, and associations of:

1. Individuals who are reasonably suspected of being involved in the planning, organizing, financing, or commission of criminal activity, or reasonably suspected of being involved in criminal activities with known or suspected criminal organizations.
2. Organizations, businesses, and groups that 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 organization goals.

Criminal intelligence system – A record system that receives, stores, exchanges or disseminates criminal intelligence information that has been evaluated and determined to be relevant to the identification of a criminal offender, criminal organization or enterprise, its members or affiliates. The Criminal Intelligence System is physically and operationally separate and distinct from all other automated data systems and record systems. Systems that are specifically excluded from the criminal intelligence system are:

1. Criminal history files
2. Contact card systems

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3. Mug shot systems
4. Offense and accident report systems
5. Criminal investigatory case files

Criminal Intelligence Officer (CIO) – a sworn supervisor designated by the Sheriff or designee to exercise oversight and management authority through the chain of command over the criminal intelligence system.

Criminal Organization - a group of individuals associated together in fact for a common purpose of engaging in a course of criminal conduct or activity.

Need to know - The requested information is pertinent and necessary to the requesting Deputy or agency in initiating, furthering, or completing the performance of a law enforcement activity.

Non-Criminal Identifying Information (NCII) - 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 (NCII) would be:

1. An individual is arrested for distributing narcotics while driving a car that is registered to his mother (who is not suspected of involvement in narcotic activity). The name of the individual may be entered in to the criminal intelligence system. The mother can only be entered as NCII.
2. 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 NCII relevant to the criminal suspect and must be clearly labeled such.

Purge - the complete destruction of a physical file and the permanent deletion from any computer files, systems, or databases.

Reasonable suspicion of criminal activity – Under the totality of circumstances, the presence of articulable facts that provide a deputy with a reasonable belief that an individual or organization is involved in definable criminal activity or enterprise.

Right to know - The requestor is acting in an official capacity and has statutory authority to obtain the information being sought.

421.2 POLICY

The Weld County Sheriff’s Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this office to collect, maintain, store, review, disseminate and purge criminal intelligence information in accordance with the requirements of 28 CRF, part 23 and applicable federal, state, and local laws while respecting the privacy and legal rights of the public. Criminal intelligence information collected in violation of any federal, state, or local law will NOT be accepted into the Criminal Intelligence System, and if found, will immediately be purged.

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421.3 CRIMINAL INTELLIGENCE SYSTEM

No agency member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for agency use.

Any criminal intelligence system approved for Sheriff's Office use should meet or exceed the standards of 28 CFR 23.20, and state law.

The CIO will be responsible for maintaining oversight and management over the criminal intelligence system that has been approved for agency use. The CIO, or authorized designee, should ensure the following:

1. Members using any such system are appropriately selected and trained.
2. Use of every criminal intelligence system is appropriately reviewed and audited.
3. Any system security issues are reasonably addressed.

421.3.1 INFORMATION RECOGNITION

Agency members should forward information that suggest an individual, organization or enterprise is involved in criminal activity to the CIO. Examples include, but are not limited to:

(a) Major crimes, including, but not limited to, homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing of stolen property, and arson

(b) Gang indicia associated with a person or residence.

(c) Information related to a drug-trafficking / manufacturing operation.

(d) Vandalism indicating animosity for a particular group.

(e) Information related to an illegal gambling operation.

(f) Human trafficking.

(g) Organized crime

(h) Loan sharking, extortion

(i) Bribery

(j) Counterfeiting

(k) Manufacturing, use or possession of explosive devices for illegal purposes;

(l) Threats of violence, or acts of violence against or in connection with, persons, or property;

(m) Computer crimes

(n) Identity theft

(o) Rioting/Inciting to riot, as defined in Colorado C.R.S.;

(p) International and/or domestic terrorism, which, for purposes of this section, shall be defined as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives

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(q) Any criminal offense not directly related to purely expressive behavior.

421.3.2 SYSTEM ENTRIES

The CIO shall approve the entry of any information from a report, FI, photo or other relevant document into the authorized criminal intelligence system. If entries are made based upon information that is not on file with this agency, such as open or public source documents or documents that are on file at another agency, the CIO should ensure copies of those documents are retained. Any supporting documentation for an entry shall be retained in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The CIO should ensure any documents retained are appropriately marked as intelligence information. No member of the agency should purge such documents without the approval of the CIO.

421.3.3 SUBMISSION CRITERIA

The agency shall only collect or maintain criminal intelligence information that is relevant to the reasonable suspicion of criminal activity or conduct. Only lawfully collected information based on reasonable suspicion of criminal activity that meets the agency criteria will be submitted in the criminal intelligence system.

The specific, articulable facts that forms the basis for reasonable suspicion shall be documented in the criminal intelligence file. If the 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 shall be noted in the criminal intelligence file.

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 and criminal conduct shall be entered as Non-Criminal Identifying Information (NCII). A NCII label shall:

(a) Act as a disclaimer of criminal association.

(b) Indicate that the individual or organization has been entered into the criminal intelligence system for identification purposes only but is not suspected of any criminal activity or involvement.

421.3.4 EXCLUSIONS

Only lawfully collected information based on reasonable suspicion of criminal activity that meets the criteria for file input will be submitted in the criminal intelligence file.

The agency shall not collect information on an individual or group, when such information is based solely on:

(a) The support of unpopular causes.

(b) Race, gender, age, or ethnic background

(c) Religious or political affiliation, or beliefs

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(d) Personal habits and/or predilections that do not break any criminal law or threaten the safety of others

(e) Involvement in expressive activity that takes the form of non-violent civil disobedience and such activity is not a felony.

421.4 CATEGORIZATION OF FILES AND RETENTION SCHEDULES

After meeting the reasonable suspicion standard for inclusion into the criminal intelligence system, the information should be categorized and entered into one of the following files:

Semi-Permanent Criminal Intelligence Files: Information based on reasonable suspicion that the individual or group is involved in a definable criminal activity or enterprise. The information in the semi-permanent file may be retained for up to 5 years.

After five years, the information shall be purged from the criminal intelligence file, unless new criminal intelligence has been added establishing reasonable suspicion that the individual, and/or organization continues to be involved in a definable criminal activity or enterprise. The new information shall cause the retention period of that file to be reset and extended for an additional five years.

Temporary Criminal Intelligence Files: Information based on reasonable suspicion of criminal activity, but the sources are:

(a) Unreliable or unknown, or

(b) The content validity of the information cannot be judged or is doubtful, or

(c) The identity of the suspect or organization cannot be identified by at least one of the following identifiers:

1. Full name and date or birth
2. Social security number
3. FBI Number
4. SID
5. Driver’s license number.

The information in the temporary file may be retained for 1 year. After one year, the information shall be purged or converted to a permanent criminal intelligence file in accordance with the requirements of this policy.

421.5 INFORMATION CLASSIFICATION

To protect sources, investigations and the individual’s right to privacy, information retained in the criminal intelligence system shall be classified for sensitivity, source reliability, and content validity prior to entry or submission. The classification of criminal intelligence information should be reassessed based on:

(a) passage of time,

(b) the conclusion of investigations,

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(c) other factors that affect the security classification or dissemination criteria assigned to a particular document.

The sensitivity of the information shall be evaluated and classified as one of the following:

(a) Sensitive: Information that requires the highest level of security and whose dissemination is restricted to selected individuals with a need and a right to know. Sensitive information includes information derived from highly confidential police investigations, or identifies the identity of an informant, or contains corruption related material.

(b) Restricted: Information not classified as sensitive, and whose dissemination is restricted to law enforcement personnel with a need and a right to know. Restricted information includes information derived from active police investigations, obtained through criminal intelligence channels, or dealing with organized crime or terrorism. Restricted information may also include previously sensitive information for which the need for a high level of security no longer exists.

(c) Unclassified: Information not classified as sensitive or restricted, and whose dissemination may be available for public release according to the Records Maintenance and Release Policy. This includes arrest and criminal record information and other information contained in records of official action.

(d) Criminal intelligence information may be reclassified as appropriate as information sensitivity increases or decreases.

The source’s reliability shall be evaluated based on the consistency of the information provided and classified as one of the following:

(a) Confirmed: the information has been corroborated by an investigator or another reliable independent source

(b) Probable: The information is consistent with past accounts

(c) Doubtful: The information is inconsistent with past accounts

(d) Cannot be Judged: The information authenticity has not yet been determined by either experience or investigation.

The content validity of the information shall be evaluated and classified as one of the following:

(a) Confirmed: The information has been corroborated through investigation or other independent, reliable source

(b) Probable: The information is consistent with prior accounts or likely to be true based on the experience and knowledge of a Deputy.

(c) Doubtful: The information is inconsistent with prior accounts or unlikely to be true based on the experience and knowledge of a Deputy.

(d) Cannot be Judged: The information’s authenticity has not been determined by either experience or investigation.

421.6 SECURITY OF CRIMINAL INTELLIGENCE SYSTEM

The criminal intelligence system shall always be protected against unauthorized access.

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Criminal intelligence files should not be left unattended to prevent view by unauthorized personnel. Criminal intelligence information should be physically secured in locked cabinets within secure areas of the agency with restricted access, or in electronic files and databases within the criminal intelligence system. Criminal intelligence system access work stations shall be located in secure areas of the Office that restrict access by unauthorized personnel. Work station screens should be positioned to prevent casual observation by unauthorized users, and default to a locked screen in accordance to Weld County Information Technology policies.

Conversations regarding the contents of a criminal intelligence file shall be conducted in private and secure areas of the agency to prevent the disclosure to unauthorized personnel without a need or right to know.

421.7 INFORMATION DISSEMINATION TO OTHER LAW ENFORCEMENT AGENCIES

Criminal intelligence information may be disseminated to members of this agency and other law enforcement agencies with approval from the releasing authority. Release of the information shall be based on a need to know and a right to know.

Information shall not be disseminated if:

(a) No evaluation of the information has been conducted, or

(b) The source reliability is doubtful or cannot be judged, or

(c) The content validity is doubtful or cannot be judged.

The following information establishing the need and right to know shall be noted in the dissemination log of criminal intelligence file:

(a) Name of agency and law enforcement employee requesting the information

(b) Name of Office Supervisor approving the dissemination

(c) Law enforcement purpose for the request

(d) Date of the request

(e) Date the information was disseminated.

421.8 INFORMATION RELEASE

Agency members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a criminal intelligence files may only be released according to the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a criminal intelligence file, such information should be provided by the CIO to the Custodian of Records after approval from the appropriate releasing authority.

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421.8.1 INFORMATION RELEASE PURSUANT TO A COURT ORDER OR SUBPOENA
Request for release of criminal intelligence information pursuant to a court order or subpoena should be directed to the Custodian of Records.

The Custodian of Records should consult with the CIO exercising oversight of the criminal intelligence system and the Weld County Attorney to determine if the information should be delivered under seal to the court for an in-camera review or release to defense counsel.

421.8.2 INFORMATION RELEASE AUTHORITY
The releasing authority for criminal intelligence information is based on the sensitivity classification of the information. The authority to release criminal intelligence information to other law enforcement agencies shall be in accordance to the following:

(a) Sensitive - The Sheriff, Undersheriff

(b) Restricted - Sheriff, Undersheriff, Captain, Lieutenant

(c) Unclassified - Sheriff, Undersheriff, Captain, Lieutenant, Investigations Unit Sergeant, Strike Team Sergeant, Crime Analyst

421.9 REVIEW AND PURGE

At a minimum, criminal intelligence files should be reviewed monthly to prevent retention past the authorized retention date. Criminal intelligence files shall be purged when the authorized retention period expires, unless the information in that file has been updated and extended consistent with this policy. New or updated information shall be based on reasonable suspicion of criminal activity.

Criminal intelligence files shall be purged when:

(a) The information in the file does not comply with the reasonable suspicion standard.

(b) The retention period of the file has ended.

(c) The information is inaccurate, misleading, un-useful or obsolete

421.10 COMPLIANCE AUDIT

The CIO should coordinate an annual audit of the criminal intelligence system to ensure compliance with this policy and applicable law.

The audit shall be conducted by an authorized representative of a law enforcement or criminal justice agency not affiliated with this Office. The authorized representative shall determine how the audit will be conducted, subject to the approval of the CIO.

The authorized representative conducting the audit should provide a report to the CIO indicating any deficiencies and whether the criminal intelligence system is in compliance with this policy. The CIO shall forward the report to the Sheriff via chain of command.

421.11 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the CIO's responsibility to approve the entry of any information into a criminal intelligence system operated by the Colorado Bureau of Investigation (CRS § 24-33.5-415.3(3); CRS § 24-33.5-412(1)(i)). Entries into such a database shall be based upon criteria established by statute.

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421.12 RESTRICTIONS ON INFORMATION FILES

No member may create or keep criminal intelligence information or criminal intelligence files on individuals or organizations that are separate from the approved criminal intelligence system.

421.13 ACCESS AND TRAINING

Direct access to the criminal intelligence system is authorized only to members that have successfully completed approved agency training and received access authorization by the CIO.

The CIO and the Training Sergeant should cooperate in the development and implementation of a training plan for employees that will have access to the criminal intelligence system. Updated training should be conducted as needed.

Training should include:

(a) The protection of civil liberties.

(b) Applicable Federal and State laws

(c) Case law

(d) Policy review

(e) Software utilization

(f) Submission of information into a multi-agency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(g) The type of information appropriate for entry into a criminal intelligence system

(h) The review and purging of temporary information files.

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Shift Commanders

422.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Office policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

422.2 DESIGNATION AS ACTING SHIFT COMMANDER

When a Sergeant is unavailable for duty as Shift Sergeant, in most instances the qualified deputy shall be designated as acting Shift Sergeant. This policy does not preclude designating a less senior deputy as an acting Shift Sergeant when operational needs require or training permits.

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Mobile Data Terminal Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between office members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

423.2 POLICY

Weld County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

423.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

423.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that

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are likely to contain information that is required for immediate enforcement, investigative or safety needs (CRS § 42-4-201).

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

At no time when the vehicle is in motion should the display be viewed by the driver for visual entertainment, including Internet browsing or the use of social media or email.

423.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

423.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT.

423.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant is notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

423.6 EQUIPMENT CONSIDERATIONS

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423.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Portable Audio/Video Recorders

424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this office while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes.

424.2 POLICY

The Weld County Sheriff's Office should provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public (CRS § 24-31-902).

424.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this office shall remain the property of the Office and should not be considered private, regardless of whether those recordings were made with office-issued or personally owned recorders.

424.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Office, and that the recorder is in good working order.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

424.5 USE OF AUDIO RECORDERS

Members may activate an audio recorder during all enforcement stops, field interview or interrogation situations, and any other time the member reasonably believes that a recording of an on-duty contact may be useful. Once started, recordings should continue without interruption, until the contact ends, if feasible, or until entry into the detention facility.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

424.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303).

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Members of the Office may surreptitiously record any conversation during the course of a criminal investigation in which the deputy reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order, unless lawfully authorized by the Sheriff or the authorized designee.

424.5.2 USE OF VIDEO RECORDERS

The agency-issued smart phone may be used as a video recording device; however, agency-issued or personally-owned video-recording devices shall not be used as an improvised body camera.

Members may activate a video recording device during field interviews or interrogations. The focus should be to record the particular statement of a victim, witness, or suspect; rather than recording a general situation, to establish a sequence of events. Once started, the recording should continue, without interruption, until the interview or interrogation is complete, if feasible.

The video recorder may also be used to document evidence, or important information. Members should consider the device's limitations/capabilities and environmental factors when determining if use of the device is appropriate for the situation. Alternative means of documenting evidence, or important information, should be used when the device's limitations/capabilities and/or environmental factors preclude the effective use of the device.

424.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate office business purposes. All such recordings shall be retained at the Office.

Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

424.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact the member shall obtain a case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

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424.7.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

424.8 REVIEW OF RECORDINGS
Recordings made using portable recording devices pursuant to this policy are office records and may only be released as provided in the Records Release and Security Policy or for other authorized legitimate office business purposes.

424.9 REVIEW OF RECORDED MEDIA FILES
When preparing written reports, members may review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Sheriff or the authorized designee

(d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy.

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Body Worn Camera Program

425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and management of Body Worn Cameras and recorded data by members of this Office while in performance of their duties. Body Worn Camera recording devices include all recording systems, whether body-worn, handheld or integrated into portable equipment.

The purpose of this policy is to enhance the mission of the Office by providing a method of recording interactions between members of the Office and the public. Body Worn Cameras enhance the accountability of members and citizens, improve community relations, and provide transparency for the Office.

The Sheriff's Office adopts this policy with the awareness that a recording from a body-worn camera does not capture the full context of a police-citizen interaction, nor does it have the capability of documentation of the interaction, and the focus of the member must remain on fulfilling the law enforcement duty, not on the efficacy of the video. Because of the limitations and placement of the camera, a recording may capture different information and stimuli than what is perceived by a member and may record more information than a member retains or observes under the stress of a law enforcement contact. Members must make decisions concerning any incident based on the totality of the circumstances at the moment the decision is made, using information that is perceived and available to the member.

425.1.1 DEFINITIONS

Member - An employee or volunteer of the Office, sworn or civilian, irrespective of rank

Body Worn Camera (BWC) - An electronic device, provided by the Office, capable of capturing audio, video or both in a self-contained, rechargeable unit

Body Worn Camera Program Technician- Members(s) assigned to manage the Body Worn Camera Program and Digital Evidence Management System

Digital Evidence Management System - A CJIS compliant software package for the management and access of BWC recordings

425.2 POLICY

The Sheriff's Office shall provide members with access to BWCs for use during the performance of their duties. The use of BWCs is intended to enhance and supplement the mission of the Office by providing a recording of interactions between members of the Office and the public. Members may apply discretion and may record interactions with citizens regarding non-law enforcement issues. In applying discretion, members will balance the need for the recording against the privacy concerns of the citizen(s) and other sensitive matters.

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425.3 BODY WORN CAMERA PROGRAM TECHNICIAN

The Sheriff or authorized designee should appoint BWC Technician responsible for establishing procedures for:

(a) The security, storage and maintenance of data and recordings

(b) Accessing data and recordings

(c) Auditing system performance, access and compliance with policy

(d) Transferring, viewing, downloading, tagging or marking events

425.4 MEMBER PRIVACY EXPECTATIONS

All recordings made by Deputies on any Office issued device at any time, and any recording made while acting in an official capacity, regardless of ownership of the device it was made on, shall remain the property of the Office. Deputies shall have no expectation of privacy or ownership interest in the content of these recordings.

Members may request the restriction of accidental recordings of personal business or personal conversations through a written submission to the BWC Program Technician, subject to approval by the Professional Standards Lieutenant. Recordings related to a law enforcement function and/or the performance of the member's official duty will be retained in accordance with the Records Maintenance and Release Policy and the Classification and Retention of Body Worn Camera Recordings section of this Policy.

425.5 MEMBER RESPONSIBILITIES

Body worn cameras will be assigned at the discretion of the Office to members who have completed Office approved training. All BWCs will be assigned by the Office, personally owned body worn cameras are not authorized for use while on duty.

Before the beginning of each shift, each member assigned a BWC is responsible for verifying it is in good working order, by recording the member's name, badge number, current date and time on the BWC, and through the MDT's radio log. Members are responsible for their assigned BWC and will treat it with due care. If a BWC is not in working order or malfunctions at any time, the member shall promptly report the failure to their supervisor and obtain a functioning devices as soon as practicable.

Members should not intentionally obscure or cover the BWC's view of events. If asked, and if safety is not compromised, members should inform those inquiring that a BWC is in use.

Members assigned a BWC will wear the device in the manufacturer recommended mounting system, unless necessary for the investigations' circumstance or special assignment as approved by a supervisor.

425.6 DOCUMENTATION OF A BODY WORN CAMERA RECORDING

Deputies shall document the existence of a BWC recording in any report, supplemental report, citation or other official record of the interaction as appropriate. Documentation should include

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instances where the BWC malfunctioned or was deactivated. Deputies should include the reason for the deactivation.

Recordings do not replace written reports, victim or witness statements, or evidence photographs, which will be generated in accordance with policy and in the same manner as they were before the implementation of the BWC program (see Report Preparation Policy). Members shall not use the existence of a recording as a reason to write a less detailed report.

425.6.1 SAVING AND TRANSFERRING OF A BWC RECORDING

Recordings from a BWC shall only be transferred/saved to the secure digital evidence management system authorized by the Sheriff's Office. Uploading of a BWC shall follow the procedures established by the manufacturer and Office training. Saving recordings to personal devices is not authorized.

Members shall follow all procedures concerning transfer, tagging and documentation of recordings designated for retention. At a minimum, every member shall tag the BWC recording with the date, time and incident number in the digital evidence management system and in accordance with Office approved training.

Members shall not edit or redact recordings, except as authorized. This will typically be done by the BWC Program Technician for Records Release purposes.

425.7 TRAINING

BWC devices will not be issued to members who have not received the required agency approved training. Members should operate the BWC in accordance with this policy and training.

425.8 ACTIVATION OF THE BODY WORN CAMERA

This policy is not intended to describe every possible situation in which the BWC should be used. Members shall activate the BWC during any interaction with the public initiated by the peace officer for the purpose of enforcing the law or investigating possible violations of the law, in accordance with (CRS § 24-31-902).. Members are also authorized to record an incident for evidentiary purposes, mutual accountability of the member and citizen, or to preserve valuable visual/audio information for later use. The device should be activated if a member is unsure whether the BWC should be activated.

The BWC should be activated before the arrival on the scene, or as soon as practicable.

The Sheriff's Office recognizes that some incidents may not begin as situations that would normally be recorded. It is also understood that incidents may not always have a clear starting point. The lack of a clear starting point does not indicate that the recording was purposefully or negligently delayed.

The Sheriff's Office also recognizes that many incidents are unpredictable, dynamic and happen very quickly and may not be anticipated. Members are advised that the safety of the public and members is paramount. Members shall not compromise their safety or that of the public to activate a BWC.

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425.8.1 PRIVACY CONSIDERATIONS

As per Colorado SB 20-217 and CRS § 24-31-902, there is little allowance or variance for an individual's privacy concerns at the time the BWC recording is made. If available for release, certain information may be redacted or blurred from the video to protect the substantial privacy interest, while still allowing the footage to be publicly released.

425.8.2 MUTING AND DEACTIVATION OF RECORDINGS

Once activated, the BWC shall remain on continuously until and unless the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Deputies that fail to activate the BWC, fail to record the entire interaction, or interrupts the recording should document the reason in the associated incident report.

The BWC may be deactivated/muted when any of the following apply:

(a) When in contact with undercover officers, or when interviewing confidential informants.

(b) When the recording of security procedures and security measures of citizens, residences or organizations has no investigative value or unreasonably compromises their safety and security.

    1. Avoids recording personal information that is not case related

(c) When discussing administrative, tactical or management issues to include discussions between Field Training Officers and deputies in training.

(d) When the deputy is placed on an assignment that has no investigative purpose such as a traffic post, shift briefing, scene processing, scene security post, awaiting the arrival of a tow truck or family member or other similar non-confrontational or non-evidentiary situation.

(e) When the member is in a situation where there is a significant period of inactivity such as report writing, administrative duties, meal breaks or other breaks from direct participation in an incident that requires activation.

425.9 SURREPTITIOUS USE OF THE BODY WORN CAMERA

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303).

Members may surreptitiously record any conversation during a criminal investigation when the recording is lawful, and the member reasonably believes such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another office member without a court order or unless lawfully authorized by the Sheriff or authorized designee.

425.10 PROHIBITED USE OF BODY WORN CAMERAS

Members are prohibited from using Office-issued BWCs for personal use at any time and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity at any time.

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Members shall not place recordings on social media without approval from the Sheriff or the authorized designee.

Members shall not duplicate or distribute recordings, except for authorized and legitimate purposes. The Office shall retain all recordings according to the Records Maintenance and Release policy

Members are prohibited from retaining recordings of activities or information obtained while on duty.

Members shall not use BWCs while employed in an off-duty capacity or during operations where the recording will likely capture security procedures unless ordered to by a supervisor or with prior approval from their supervisor.

Members shall not use recordings for recreation, embarrassment, harassment or ridicule.

425.11 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall upload, classify, categorize, tag and/or mark the recordings within the digital management system in accordance with Office approved training. Members should also identify the existence of the recording in any related case report, supplement or citation.

Any time a member reasonably believes a recorded interaction may be beneficial in a non-criminal matter (e.g., a confrontational contact) the member should promptly notify a supervisor of the existence of the recording.

425.12 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of BWC recordings shall be processed in accordance with the Records Maintenance and Release policy. All requests for release and recordings should be reviewed for legal release by the Administrative Support Manager. In all instances the Office will follow guidelines set forth in the Colorado Criminal Justice Records Act (CCJRA) and the Colorado Open Records Act (CORA), as well as applicable Colorado Revised Statutes. The redaction of video images and audio may be necessary in certain circumstances. Recordings that unreasonably violate a person's privacy interests or sense of dignity should not be publicly released unless disclosure is required by law or upon order of the Court.

The Office follows Weld County's fee schedule (Weld County Code Chapter 5 Article VII, Appendix 5-D) for the release of BWC footage, based on the reasonable cost for the actual time researching, reviewing and redacting that may be required prior to release.

425.12.1 INCIDENTS ALLEGING MISCONDUCT

For all incidents in which there is a complaint of Deputy misconduct by another peace officer, a civilian, or nonprofit organization, upon request the Office shall release all unedited video and audio recordings of the incident, including those from body-worn cameras, or otherwise collected through investigation, to the public within twenty-one days after receiving the request for release of the video or audio recordings. (C.R.S. 24-31-902)

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425.12.2 INCIDENTS DEPICTING DEATH

Upon request, all video and audio recordings depicting a death must be provided to the victim's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative. Such person shall be notified of his or her right, pursuant to section 24-4.1-302.5 (1)(j.8), to receive and review the recording at least seventy-two hours prior to public disclosure. A person seventeen years of age and under is considered incapacitated, unless legally emancipated. (C.R.S. 24-31-902)

425.13 REVIEW OF RECORDED MEDIA FILES

All recordings collected using BWCs are considered criminal justice records pursuant to C.R.S. § 24-72-301 et seq. Access and review of recordings will be allowed by authorized users and for official purposes only. Access or review of recordings for other than official purposes is strictly prohibited. Persons not employed by the Office will not be allowed to view the recordings, except when a review of a recording is permitted by a supervisor, as part of a Professional Standards investigation, pursuant to a court order or as required for litigation purposes.

Recordings may also be reviewed:

(a) By any member of the Office who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation to which they are directly involved.

(b) Pursuant to a lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission from the Sheriff or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

(e) By a deputy who is captured on or referenced in the BWC recording for purposes relating to his employment, unless the recording is restricted at the time of the request.

(f) To assess the proper functioning of the BWC.

425.13.1 REVIEW FOR REPORT WRITING

Except for incidents necessitating the response of the Critical Incident Response Team (CIRT), deputies may review their recordings as a resource when preparing written reports and preparing for court testimony. However, Deputies shall not retain personal copies of recordings.

425.13.2 REVIEW FOR CRITICAL INCIDENT INVESTIGATIONS

If a member is involved in a critical incident, requiring the response of the Critical Incident Response Team (CIRT), the member will not review the recording until authorized by the Sheriff or designee. The following shall apply after a critical incident that requires the response of CIRT:

(a) Members shall continue the recording until the scene is declared safe by a supervisor

(b) The BWC shall be removed by a CIRT member.

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(c) The recording shall be tagged as confidential in the digital evidence management system by the CIRT Coordinator or designee.

(d) Digital and/or hard copies, as designated by CIRT, shall be made available to the CIRT representative as soon as practicable.

(e) The recording shall not be reviewed by other members unless authorized by the Sheriff or CIRT Coordinator.

425.13.3 REVIEW FOR USE IN TRAINING

Members may notify a supervisor if a recording may be useful for training, tactical debrief or administrative purposes. Recordings identified as potential training tools will be reviewed and approved for use by the Patrol Division Captain before being made available to the Training Unit. Objections by the involved member(s) will be submitted to the Sheriff or designee to determine if the training value outweighs the member(s) objection.

425.13.4 SUPERVISOR AND COMMAND AUTHORITY REVIEW

Supervisors are authorized to review relevant recordings under the following circumstances:

(a) Administrative Review: A supervisor may review specific BWC recordings or data to conduct an administrative investigation or investigate a personnel complaint. Administrative reviews may also be conducted to identify videos with potential training value and exceptional performance.

(b) Quality Assurance Review: Supervisors should conduct four random monthly reviews of recordings from his/her subordinates to reinforce positive performance and provide guidance on how to improve performance. However, nothing in this policy prohibits a supervisor from reviewing a specific recording if the supervisor believes it is necessary to ensure adherence to policy and performance standards by a deputy. These reviews will be used to enhance the performance review of members.

    1. Supervisors shall not utilize recordings to harass, humiliate, degrade or otherwise discriminate one employee over another with greater scrutiny.

    2. The supervisor should provide feedback based on the quality assurance review.

    3. The quality assurance review of member recordings shall not result in formal disciplinary action unless the recording discloses:

        (a) Gross misconduct or violation of ethical standards

        (b) A continued pattern of previously addressed and documented behavior

Reviews outside the scope of these categories are not permitted.

425.14 CLASSIFICATION AND RETENTION OF BODY WORN CAMERA RECORDINGS

All recordings shall be maintained in accordance with the Sheriff's Office video retention schedule. Any member or supervisor may request that a recording be retained. Most BWC recordings will be classified and retained through the Computer Aided Dispatch integration software. Members may be required to modify these initial classifications. Any BWC recording can be changed to a

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different classification or have its retention status changed for the benefit of an investigation or Office needs. Classifications, descriptions and retention are as follows:

(a) Un-categorized - An automatic classification that requires the BWC user to take further action on the recordings metadata. Examples may include follow-up investigations and assisting other agencies.

1. The presumptive retention period will be 99 years until the classification has been manually changed.

(b) Accidental, Test - When the BWC is inadvertently activated when conducting a test at the beginning of a shift or documenting a miscellaneous activation of the BWC, which does not meet the requirements of any other classification.

1. The retention period will be 90 days.

(c) Incident only - An automatic classification documenting an activation where there may be the possibility of a complaint or future action. Examples include traffic stops with no citation, motorist assists, traffic control, general citizen interactions and interactions for a violation of the law but the member chose to issue a verbal warning.

1. The retention period will be 2 years.

(d) General - an automatic classification documenting all calls for service generating a case report.

1. The retention period will be 5 years.

(e) Misdemeanors, Traffic Citation -

1. Misdemeanor cases, petty offenses, traffic offenses with a summons issued, non-fatality traffic accidents, and similar cases - where viable suspect information may or may not exist.

(a) The retention period will be 3 years.

(f) Felonies (Major felonies and violent crimes)

1. Major felonies - Cases such as arson with fatalities, forgery, unrecovered firearms, homicides, kidnappings, deaths, sexual assault on a child, and officers killed. Any felony crime where an arrest occurs or viable suspect information may lead to an arrest.

(a) The retention period will be permanent

2. Other felony cases - Cases such as special investigations related to aggravated assault, arson without fatalities, fatal traffic accidents, and similar cases - where viable suspect information may or may not exist.

(a) The retention period will be 10 years.

3. Sexual assault cases - cases related to the investigation of a sexual assault crime.

(a) The retention period will be permanent.

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(g) Restricted - A manual classification of BWC recordings that require restricted access to select individuals. Such recordings are deemed to be sensitive. This classification could be made by any member, and is subject to general rules and policies regarding the retention of case related evidence.

1. The retention period is dependent on the other category that is selected.

(h) Use of Force, Complaint or Internal Affairs - A BWC recording that the member believes may result in a conduct complaint, administrative investigation or when a use of force investigation and report is required.

1. The retention period will be 5 years.

(i) Training - A manual classification for BWC recordings made during any initial BWC training or functionality testing of the BWC device. General deputy training is not approved for BWC use.

1. The retention period will be 7 days.

425.15 PURGING AND DELETIONS

The retention categories in this policy indicate that, in most cases, the recordings will be purged when they reach the maximum retention time, based on the category selected with the longest retention. If the evidence in a case/incident is ordered to be disposed of by the courts, regardless of the retention category, the recording may also be purged as long as there is no other legal or administrative purpose for retention.

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Medical Marijuana

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this office with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Colorado's medical marijuana laws.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Allowed amount of marijuana - No more marijuana than is medically necessary to address a debilitating or disabling medical condition. Though the amount may be greater, anything at or below the following amount qualifies as an allowed amount (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106):

(a) No more than 2 ounces of a usable form of marijuana

(b) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana

Medical use - The acquisition, possession, production, use or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating or disabling medical condition, which may be authorized only after a diagnosis of the patient's debilitating or disabling medical condition by a physician (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Patient - A person who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Primary caregiver - A person, other than the patient and the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14). A primary caregiver may have one or more relationships with a patient, including as (CRS § 25-1.5-106):

(a) A parent of a child and anyone who assists that parent with caregiver responsibilities, including cultivation and transportation.

(b) An advising caregiver who advises a patient on which medical marijuana products to use and how to dose them, and does not possess, provide, cultivate or transport marijuana on behalf of the patient.

(c) A transporting caregiver who purchases and transports marijuana to a patient who is homebound.

(d) A cultivating caregiver who grows marijuana for a patient.

Registry Identification Card(RIC) - That document, issued by the Colorado Department of Public Health and Environment, that identifies a patient authorized to engage in the medical use of

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marijuana and such patient's primary caregiver, if one has been designated (Colo. Const. art. XVIII, § 14).

Usable form of marijuana - The seeds, leaves, buds and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use. It does not include the plant's stalks, stems and roots.

426.2 POLICY

It is the policy of the Weld County Sheriffs Office to enforce laws related to marijuana while exercising discretion to avoid unreasonably burdening individuals protected under Colorado law and the resources of the Office.

Colorado medical marijuana laws are intended to provide protection from prosecution to those who acquire, possess, manufacture, produce, use, sell, distribute, dispense or transport marijuana for debilitating medical conditions. However, Colorado medical marijuana laws do not affect federal laws, and there is no medical exception under federal law for the possession or distribution of marijuana.

426.3 INVESTIGATION

Investigations involving the acquisition, possession, manufacture, production, use, sale, distribution, dispensing or transportation of marijuana generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medical use claim is made by an adult who has not been issued a RIC.

(c) Investigations when a medical use claim is made by an adult who has been issued a RIC.

(d) Investigations when a medical use claim is made by a juvenile.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is being used for medicinal purposes, the deputy should proceed with a criminal investigation if the amount is greater than permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16). A medicinal defense may be raised at any time, so deputies should document any statements and observations that may be relevant as to whether the marijuana was possessed or produced for medicinal purposes.

426.3.2 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS NOT BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, should not be arrested for a marijuana-related offense when:

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(a) The patient (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

1. Was previously diagnosed by a physician as having a debilitating or disabling medical condition.
2. Was advised by his/her physician, in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating or disabling medical condition.
3. Was collectively in possession of an allowed amount of marijuana.

(b) The amount is permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16).

A copy of an application submitted to the Colorado Department of Public Health and Environment, including the written documentation and proof of the date of mailing or other transmission of the written documentation, shall be accorded the same legal effect as a RIC until such time as the patient receives notice that the application has been denied (Colo. Const. art. XVIII, § 14(3)(d)).

426.3.3 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, shall not be arrested for a marijuana-related offense when all of the following exist (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

(a) The patient or primary caregiver is in lawful possession of a RIC.

(b) The marijuana in question is for medical use.

(c) The patient or primary caregiver is in possession of no more than 2 ounces of a usable form of marijuana and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

A patient or primary caregiver in lawful possession of a RIC should not be arrested for any quantity of marijuana above the specified amounts of marijuana (2 ounces, six plants) if the amount is no more than is medically necessary to address a debilitating or disabling medical condition.

Evidence that an extended amount is medically necessary may include a voluntary disclosure by the patient in his/her registration information that he/she intends to cultivate more than six plants for his/her own medical use (CRS § 25-1.5-106).

426.3.4 INVESTIGATIONS RELATED TO A MEDICAL-USE CLAIM BY A JUVENILE

A juvenile under the age of 18 shall not be arrested for a marijuana-related offense if all of the following conditions exist (Colo. Const. art. XVIII, § 14(6); CRS § 25-1.5-106):

(a) The juvenile is in lawful possession of a RIC.

(b) The juvenile and parental primary caregiver collectively possess no more than an allowed amount of marijuana.

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(c) The parental primary caregiver controls the acquisition, dosage and frequency of use of the marijuana.

426.3.5 EXCEPTIONS

Deputies may take enforcement action against a patient or primary caregiver who (Colo. Const. art. XVIII, § 14(5); CRS § 25-1.5-106):

(a) Engages in the medical use of marijuana in a way that endangers the health or well-being of any person.

(b) Unlawfull engages in the medical use of marijuana in plain view of, or in a place open to, the general public (CRS § 44-10-702).

(c) Undertakes any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.

(d) Possesses or uses non-smokable medical marijuana without authorization on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).

(e) Possesses or uses smokable medical marijuana on school grounds, in a school bus, or at a school-sponsored event (CRS § 22-1-119.3; CRS § 25-1.5-106).

(f) Engages in the use of medical marijuana in a correctional facility, community corrections facility, or in a vehicle, aircraft, or motorboat.

(g) Engages in the use of medical marijuana while sentenced to jail/prison.

(h) Operates, navigates, or is in actual physical control of any vehicle, aircraft, or motorboat while under the influence of medical marijuana.

(i) Manufactures marijuana concentrate in an unregulated environment using an inherently hazardous substance (CRS § 18-18-406.6).

(j) Grows or possesses on residential property more than the number of marijuana plants as set forth in CRS § 25-1.5-106.

426.4 FEDERAL LAW ENFORCEMENT

Federal law provides that regardless of the prosecution status or disposition of any related criminal case, law enforcement will not be responsible for the return of any marijuana seized as evidence, except as may be required by a valid court order (21 USC § 885(d)). However, state law stipulates that any property of interest that is possessed, owned or used in connection with the medical use of marijuana or acts incidental to such use, shall not be harmed, neglected, injured or destroyed while in possession of the Weld County Sheriff's Office, where such property has been seized in connection with the claimed medical use of marijuana (Colo. Const. Art. 18, § 14(2)(e)):

(a) Any such property shall not be forfeited unless a sentence is imposed after a conviction of a criminal offense or entry of a plea of guilty to such offense.

(b) Any marijuana and paraphernalia seized from a patient or primary caregiver that is entitled to claimed medical use shall be returned immediately upon determination of a District Attorney or his/her designee.

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426.5 EVIDENCE

426.5.1 MEMBER RESPONSIBILITIES

The investigating member should advise the receiving Weld County Evidence member when marijuana may be the subject of a medical claim.

426.5.2 WELD COUNTY EVIDENCE SUPERVISOR RESPONSIBILITIES

The Weld County Evidence Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not harmed, neglected, injured or destroyed (Colo. Const. art. XVIII, § 14(2)(e)).

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Weld County Evidence Supervisor should follow the Property and Evidence Policy and related procedures.

The Weld County Evidence Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Unit Supervisor.

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Foot Pursuit Policy

427.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the deputy, the public or the suspect.

427.1.1 POLICY

It is the policy of this Office when deciding to initiate or continue a foot pursuit that deputies must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office personnel, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Office personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Office personnel.

427.2 DECISION TO PURSUE

Deputies may be justified in initiating a foot pursuit of any individual the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Office personnel and the public at significant risk. Therefore, no deputy or supervisor is likely to be criticized or disciplined for deciding not to engage in a foot pursuit because of a perceived risk involved unless their conduct is considered to be grossly negligent.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area

(b) Canine search

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(c) Saturation of the area with patrol personnel

(d) Air support

(e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

427.3 GUIDELINES FOR FOOT PURSUIT

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.

(b) The deputy is acting alone.

(c) When two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The deputy is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing deputies do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the deputies renders them incapable of controlling the suspect if apprehended.

(g) When the deputy loses radio contact with Dispatch or with backup deputies.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.

(i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.

(j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.

(k) The deputy loses possession of his/her firearm or other essential equipment.

(l) The deputy or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no

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immediate threat to Office personnel or the public if the suspect is not immediately apprehended.

(o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

427.4 RESPONSIBILITIES IN FOOT PURSUITS

427.4.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier

(b) Location and direction of travel

(c) Reason for the foot pursuit

(d) Number of suspects and description

(e) Whether the suspect is known or believed to be armed

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

427.4.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize non-essential radio traffic to permit the involved deputies maximum access to the radio frequency.

Any deputy who is in a position to intercept a fleeing suspect or who can assist the primary deputy with the apprehension of the suspect, shall act reasonably and in accordance with Office policy, based upon available information and his/her own observations.

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427.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Office guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

427.4.4 DISPATCH RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, Dispatch personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, Dispatch personnel shall:

(a) Clear the radio channel of nonemergency traffic.

(b) Repeat the transmissions of the pursuing deputy as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as indicated.

(f) Coordinate response of additional resources to assist with the foot pursuit.

427.5 REPORTING

The initiating deputy shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

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Foot Pursuit Policy

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may advise the initiating deputy that he/she need not complete a supplemental report in conjunction with the report normally required to document the incident.

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Automated License Plate Readers (ALPR)

428.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Weld County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, electronic surveillance,suspect interdiction and stolen property recovery.

428.2 ADMINISTRATION OF ALPR DATA

All installation, access and maintenance of ALPR equipment, - shall be managed by the Strike Team Unit Sergeant. The Strike Team Unit Sergeant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment.

The Strike Team Sergeant, in consultation with the Training Unit, shall develop a training program for the use of ALPR equipment. ALPR employee training records shall be managed by the Training Unit.

ALPR data will be hosted and managed by an entity approved by the Colorado Department of Public Safety.

428.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No Deputy shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No Deputy should operate the ALPR without first downloading the most recent Colorado Bureau of Investigation data to the ALPR.

(f) The Deputy should verify an ALPR response through the Colorado Bureau of Investigation before taking enforcement action that is based solely upon an ALPR alert.

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(g) Alerts from the ALPR system do not constitute reasonable suspicion or probable cause. Deputies shall establish reasonable suspicion or probable cause prior to initiating enforcement action.

(h) No ALPR operator may access the Colorado Bureau of Investigation data unless authorized to do so.

428.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by the ALPR are for the official use of the Weld County Sheriff's Office and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Strike Team Sergeant is responsible to ensure proper collection of ALPR data and for transferring ALPR data stored in department vehicles to the server on a regular basis, not to exceed 30 days between transfers. The Strike Team Sergeant is also responsible for coordinating data retention and management activities with the entity hosting the server and data.

All ALPR data downloaded to the server should be stored for a minimum of 21 days and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

428.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Weld County Sheriff's Office will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Custodian and processed in accordance with applicable law.

(b) All ALPR data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies as permitted by law for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Homeless Persons

429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Weld County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Weld County Sheriff's Office will address these needs in balance with the overall mission of this office. Therefore, deputies will consider the following policy when serving the homeless community.

429.1.1 POLICY

It is the policy of the Weld County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

429.2 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and summons and release in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

429.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special consideration for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

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(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

429.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Deputies should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property but take appropriate measures if such property appears to involve a trespass, is blight to the community or is the subject of a complaint.

429.4 MENTAL HEALTH DISORDERS AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental health disorder or a mental impairment. Deputies shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention (CRS § 27-65-105)

When a mental health disorder hold is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

429.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to

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notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Public Recording of Law Enforcement Activity

430.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

430.2 POLICY

The Weld County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

430.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the deputies.
4. Being so close to the activity as to interfere with a deputy’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the deputies, him/herself or others.

430.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

430.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

430.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa; CRS § 16-3-311):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

(a) Before obtaining consent, the member shall provide the person with his/her identification, agency name and the reason the information is requested.

(b) If the person voluntarily provides his/her device or media to the member, the search of the device or media shall be limited to the

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relevant recording and the device or media returned as soon as practicable.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a office device.

3. Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

430.6.1 SEARCH WARRANTS

When a member seizes a recording device or media without the person's consent or without a search warrant, a search warrant for the recording shall be sought within 72 hours of the seizure (CRS § 16-3-311).

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Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

431.2 POLICY

The Weld County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

431.3 RESPONSIBILITIES

The Patrol Captain and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for office participation in criminal intelligence systems as outlined in the Criminal Intelligence Policy.

The responsibilities of the Patrol Captain include, but are not limited to:

(a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

431.4 REPORTING AND INVESTIGATION

Any office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

431.5 HANDLING INFORMATION

The Weld County Records will forward copies of SARs, in a timely manner, to the following:

- Investigations Unit supervisor
- Crime Analysis Unit
- Other authorized designees

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First Amendment Assemblies

432.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

432.2 POLICY

The Weld County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

432.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disrupting lawful assembly. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with County government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

432.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

432.7 USE OF FORCE

Use of force is governed by current office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

432.8 ARRESTS

The Weld County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Summons and Release Policy).

432.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

432.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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432.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

432.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

432.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

433.1 PURPOSE AND SCOPE

This policy provides members of the Weld County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Colorado law.

433.2 POLICY

The Weld County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

433.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

433.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

433.4.1 STANDBY REQUESTS

Any person wanting standby assistance will obtain a court order requiring the Weld County Sheriff's Office to participate in the standby.

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. Deputies will review a copy of the court order to verify the Sheriff's Office is required to participate in the standby. Deputies will accompany the person to the location of the property, if required by the court order. The person will be advised that items that are disputed will not be allowed to be removed. The person may be advised to seek private legal advice as to the distribution of disputed property. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

Deputies are advised to ask if the other party will allow retrieval of the property or whether the other party would retrieve the property. If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies will not order the other party to allow entry or to retrieve any items.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

433.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

433.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Medical Aid and Response

434.1 PURPOSE AND SCOPE

This policy recognizes that deputies often encounter persons who appear to be in need of medical aid when Emergency Medical Services (EMS) are immediately unavailable and may require a law enforcement response.

434.2 POLICY

It is the policy of the Weld County Sheriff's Office to respond to medical aid calls when a nexus to criminal activity can be established, or when requested by EMS when reasonably necessary to provide security. All deputies should be trained to provide basic emergency medical aid and to facilitate an emergency medical response.

434.3 FIRST RESPONDING DEPUTY RESPONSIBILITIES

Deputies should request an EMS response when a person is seriously injured, seriously ill or in need of medical care.

Whenever practicable, deputies should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the deputy can safely do so.

Prior to initiating medical aid, the deputy should contact Dispatch and request response by Emergency Medical Services (EMS) as the deputy deems appropriate.

Deputies should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Deputies should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the deputy should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

    (a) Signs and symptoms as observed by the deputy.

    (b) Changes in apparent condition.

    (c) Number of patients, sex, and age, if known.

    (d) Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.

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(e) Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Deputies should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Deputies should not direct EMS personnel regarding whether to transport the person for treatment.

Primary responsibility for the scene should be transferred to EMS unless there is a nexus to criminal activity.

434.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

434.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where a mental health crisis, behavioral health crisis, or substance abuse disorder may be a factor, the deputy should consider proceeding with protective custody in accordance with the Civil Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, the deputy should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

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434.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

434.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Deputies should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

434.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A deputy should use an AED only after the deputy has received the required training (CRS § 13-21-108.1).

434.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED shall contact Dispatch as soon as possible and request response by EMS (CRS § 13-21-108.1).

434.8.2 AED REPORTING

Any deputy using an AED will complete an incident report detailing its use.

434.8.3 AED TRAINING AND MAINTENANCE

The Training Sergeant should ensure appropriate training that includes training in CPR and AED use is provided to deputies authorized to use an AED (CRS § 13-21-108.1).

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The Quartermaster is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines and will retain records of all maintenance and testing in accordance with the established records retention schedule (CRS § 13-21-108.1).

434.9 ADMINISTRATION OF OPIOID ANTAGONIST

Only members authorized by the Office may possess or administer an opioid antagonist such as naloxone hydrochloride or any similarly acting drug for the treatment of a drug overdose. The medication shall be administered in accordance with written protocol specified by the medical professional who prescribed the overdose medication for use by the member (CRS § 12-30-110; CRS § 12-255-128).

434.9.1 OPIOID ANTAGONIST USER RESPONSIBILITIES

Members who are qualified to administer an opioid antagonist should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid antagonist should contact Dispatch as soon as possible and request response by EMS.

434.9.2 OPIOID ANTAGONIST REPORTING

Any member administering an opioid antagonist should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

434.9.3 OPIOID ANTAGONIST TRAINING

The Training Sergeant should ensure training is provided to members authorized to administer an opioid antagonist.

434.10 ADMINISTRATION OF OPIATE ANTAGONIST

Only deputies authorized by the Office may possess or administer an opiate antagonist such as naloxone hydrochloride or any similarly acting drug for the treatment of a drug overdose. The medication shall be administered in accordance with written protocol specified by the medical professional who prescribed the overdose medication for use by the deputy (CRS §12-36-117. 7; CRS § 12-38-125.5; CRS § 12-42.5-120)

434.10.1 OPIATE ANTAGONIST USER RESPONSIBILITIES

Deputies who are qualified to administer an opiate antagonist should handle, store and administer the medication consistent with their training. Deputies should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Quartermaster.

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Any deputy who administers an opiate antagonist should contact Dispatch as soon as possible and request response by EMS (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

434.10.2 OPIATE ANTAGONIST REPORTING

Any deputy administering an opiate antagonist should detail its use in an appropriate report as prescribed in training.

434.10.3 OPIATE ANTAGONIST TRAINING

The Training Sergeant should ensure training is provided to deputies authorized to administer an opiate antagonist.

The Training Sergeant should coordinate training with the prescribing medical professional (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

434.11 FIRST-AID TRAINING

The Training Sergeant should ensure deputies receive periodic first-aid training appropriate for their position.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for improving public safety though education and enforcement of traffic-related laws.

500.2 POLICY

It is the policy of the Weld County Sheriff's Office to educate the public on traffic-related issues and to enforce traffic laws. The efforts of the Office will be driven by such factors as the location and/or number of traffic accidents, civilian complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

500.3 DEPLOYMENT

Enforcement efforts may include such techniques as geographic/temporal assignment of office members and equipment, the establishment of preventive patrols to deal with specific categories of unlawful driving, and a variety of educational activities. These activities should incorporate methods that are suitable to the situation; timed to events, seasons, past traffic problems or locations; and, whenever practicable, preceded by enforcement activities.

Several factors are considered in the development of deployment schedules for office members. State and local data on traffic accidents are a valuable resource. Factors for analysis include but are not limited to:

- Location.
- Time.
- Day.
- Violation factors.
- Requests from the public.
- Construction zones.
- School zones.
- Special events.

Office members assigned to uniformed patrol or traffic enforcement functions will emphasize the enforcement of violations that contribute to traffic accidents, and also will consider the hours and locations where traffic accidents tend to occur. Members will take directed enforcement action on request, and random enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic accidents frequently occur.

500.4 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas and the

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number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (CRS § 42-4-101 and CRS § 42-4-104):

500.4.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings should be considered in minor traffic infractions and substituted for arrests or citations when circumstances warrant. Circumstances that do not result in a citation or arrest require the documentation of the warning in the approved report management system, and providing a business card in compliance with the law, as outlined in the Bias-Based Policing Policy.

500.4.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

500.4.3 TRAFFIC CITATION COURT JURISDICTION

A deputy who issues a traffic citation shall ensure that the place specified in the summons, complaint or penalty assessment notice is a county court within the county in which the offense is alleged to have been committed (CRS § 42-4-1707(5)).

500.4.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with but are not limited to (CRS § 42-4-1705(1)):

(a) Vehicular homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

(e) Reasonable cause to believe the violator may leave the state.

500.5 SUSPENDED OR REVOKED DRIVER'S LICENSE

If a deputy contacts a traffic violator also driving on a suspended or revoked license, the deputy should issue a traffic citation or make an arrest as appropriate.

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500.6 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.6.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes deputy might benefit from being readily identified as a deputy.

500.6.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Accident Response and Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Weld County Sheriff's Office prepares traffic accident reports in compliance with CRS § 42-4-1606 and as a public service makes traffic accident information available to the public.

501.2 CALL RESPONSE

Deputies should respond without delay when dispatched to a traffic accident. A traffic accident with injuries reported may include an emergency response if the deputy reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

A deputy responding to and upon arrival at an accident, should consider the following:

(a) The most appropriate route to the incident

(b) Proper placement of the emergency vehicle to provide protection for deputies and the scene

(c) Potential for involvement of hazardous materials

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary

(f) Traffic control and protection of the scene

(g) Clearance of the roadway

501.3 ACCIDENT INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

(a) Identification and interview of all involved parties

(b) Identification and interview of any witnesses

(c) Determination if any crime has occurred and taking appropriate enforcement action

(d) Identification and protection of items of apparent evidentiary value

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

501.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Colorado law led to the accident, deputies should issue a traffic citation

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or a misdemeanor citation to the offending driver. Deputies may arrest a person when there is probable cause to believe that an offense was committed by the person to be arrested (CRS § 16-3-102).

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 DEPUTY RESPONSIBILITIES

Office members shall utilize forms approved by the Department of Revenue, Motor Vehicle Division (CRS § 42-4-1608) for the reporting of traffic accidents. All traffic accident reports taken by members of this office shall be forwarded to the On Duty Supervisor for approval prior to data entry into the records management system.

501.5.2 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC ACCIDENTS INVOLVING COUNTY VEHICLES

Traffic accident investigation reports shall be taken when a County-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the accident occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Captain.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH SHERIFF'S OFFICE EMPLOYEES

When an employee of this office, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Weld County Sheriff's Office and it results in a serious injury or fatality, the Shift Sergeant should request the Colorado State Patrol (CSP) or other outside agency to complete an investigation and report.

The term serious bodily injury is defined as bodily injury that involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of bodily function (CRS § 18-1-901(3)(p)).

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501.6.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS
The Shift Sergeant may request assistance from the CSP or other outside agency for the investigation of any traffic accident involving any County official or employee where a serious injury or fatality has occurred.

501.6.4 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS
Office members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

501.7 NOTIFICATION OF SERGEANT

In the event of a serious injury or death-related traffic accident, the deputy shall notify the Shift Sergeant to relate the circumstances of the traffic accident and seek assistance from the traffic accident reconstruction specialist.

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Vehicle Towing and Release Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Weld County Sheriff's Office and under the authority of CRS § 42-4-1803.

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 COMPLETION OF VEHICLE IMPOUND/STORAGE FORM

Office members requesting towing of a vehicle shall complete a vehicle impound/storage form that includes written authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle and a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Weld County Records as soon as practicable after the vehicle is stored.

Towed vehicle information shall be promptly placed into the records management system (RMS) so that they are immediately available for release or for information should inquiries be made.

502.2.2 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

When a vehicle has been involved in a traffic accident and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in an accident, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then conduct an inventory and store the vehicle using a vehicle impound/storage form.

502.2.3 DRIVING A NON-COUNTY VEHICLE

Vehicles that have been towed by or at the direction of the Office should not be driven by sheriff's personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.2.4 RECORDS SECTION RESPONSIBILITY

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Weld County Records personnel should promptly enter pertinent data from a completed vehicle impound/storage form into the Motor Vehicle Verification System to determine if the vehicle has been reported stolen (CRS § 42-4-1804). No later than 10 working days after a vehicle has been towed by this office, Weld County Records personnel shall report the towing and related information to the Department of Revenue, Motor Vehicle Division as required by CRS § 42-4-1804(1)(b).

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Weld County Records personnel shall make a good faith attempt to notify the owner or lien holder of abandoned vehicles within 10 working days after receipt of a vehicle impound/storage form pursuant to (CRS § 42-4-1804(4)(a); CRS § 42-4-1804(4)(b)). The notice shall inform the owner that he/she can request a hearing concerning the legality of the towing of the abandoned motor vehicle (CRS § 42-4-1804(4)(c)).

The Weld County Records should use the notice forms available from the Department of Revenue, Motor Vehicle Division when sending required notices to the owners or lien holders of stolen or abandoned vehicles (CRS § 42-4-1804(5)).

502.3 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this Office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked

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container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.5 PRESERVATION OF EVIDENCE

A deputy removing a vehicle pursuant to CRS § 42-4-1803, who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

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Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those office members who play a role in the detection and investigation of driving under the influence (DUI).

503.2 POLICY

The Weld County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Colorado’s impaired driving laws.

503.3 INVESTIGATIONS

Deputies should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All deputies are expected to enforce these laws with due diligence.

The Training Unit Sergeant will develop and maintain, in consultation with the prosecuting attorney,field practices and procedures to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented in the approved report management system. The documented information should include, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The deputy’s observations that indicate impairment on the part of the individual, and the deputy’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.

(e) The location and time frame of the individual’s vehicle operation and how this was determined.

(f) Any prior related convictions in Colorado or another jurisdiction.

503.4 FIELD TESTS

The Training Sergeant should identify the standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

503.5 CHEMICAL TESTS

A person implies consent under Colorado law to a chemical test or tests, and to providing the associated chemical sample, when a deputy has probable cause to believe that the person was driving a motor vehicle in violation of CRS § 42-4-1301 (DUI, DUI per se, DWAI, or UDD) (CRS § 42-4-1301.1).

If a deputy has probable cause that a dead or unconscious person was driving a motor vehicle in violation of CRS § 42-4-1301, the person shall be tested to determine the alcohol or drug content

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of the person's blood or any drug content within such person's system as provided in CRS § 42-4-1301.1(8).

503.5.1 CHOICE OF TESTS

Deputies shall respect a viable choice of chemical test made by an arrestee as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence). Generally, a person may request either a test of his/her blood or breath for determining alcohol content (CRS § 42-4-1301.1). However, if a person under the age of 21 is suspected of underage drinking and driving (UDD), the person may only submit to a breath test.

If a person is suspected of aggravated vehicular unlawful termination of a pregnancy, the type of test or tests shall be determined by the deputy (CRS § 18-3.5-108).

For purposes of determining drug content within a person’s system, deputies may select the most appropriate and viable test of the of the person’s blood, saliva and urine. The arrestee is required to take and complete the selected test or tests (CRS § 42-4-1301.1; CRS § 18-3.5-108).

503.5.2 BREATH SAMPLES

The Quartermaster should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Quartermaster and Shift Supervisor.

503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (CRS § 42-4-1301.1). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

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Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.5.5 STATUTORY NOTIFICATIONS
Deputies requesting a sample from a person suspected of DUI should inform the person that failure to submit to testing may result in the revocation of his/her license.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies should:

(a) Advise the arrestee of the requirement to provide a sample (CRS § 42-4-1301.1).

(b) Audio- and/or video-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, deputies shall personally serve the notice of revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person and issue the person a seven day temporary permit unless the person already possesses one (CRS § 42-2-126).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

(c) Exigent circumstances exist and the deputy has probable cause to believe the person committed any of the following offenses (CRS § 42-4-1301.1):

1. Criminally negligent homicide
2. Vehicular homicide
3. Assault in the third degree
4. Vehicular assault

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503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy), and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force that reasonably appears necessary to overcome the resistance to the blood draw may be permitted. Deputies may physically restrain a person for the purpose of obtaining a sample only in cases of criminally negligent homicide, vehicular homicide, assault in the third degree, vehicular assault or aggravated vehicular unlawful termination of pregnancy (CRS § 42-4-1301.1; CRS § 18-3.5-108).

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

503.7 ARREST AND INVESTIGATION

503.7.1 PRELIMINARY TESTING

A deputy may request that a person provide a breath sample for a preliminary screening test when the deputy (CRS § 42-4-1301):

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(a) Has reason to believe the person was driving a motor vehicle while under the influence or impaired by alcohol and,

(b) Has advised the person that he/she may refuse or agree to provide the preliminary breath sample.

If the person is under the age of 21, the deputy may conduct a preliminary screening test, without the person's consent, if there is a reasonable belief the person has consumed alcohol (CRS § 42-4-1301).

A deputy may use the results of the preliminary test in determining whether probable cause exists to believe the person was DUI and whether to administer additional testing (CRS § 42-4-1301).

503.7.2 COLLECTING SAMPLES

Arrestee samples shall be collected and processed in accordance with standards set by the Department of Public Health and Environment (5 CCR 1005-2:1 et seq.).

503.7.3 TIME TO COLLECT SAMPLE

If a deputy requests that a person submit to a blood or breath test to determine the alcohol content of the person's blood or breath, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1).

If a deputy requests that a person submit to a blood, saliva or urine test to determine the drug content within the person's system, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1).

503.7.4 NOTICE TO COMMERCIAL MOTOR VEHICLE DRIVER

Deputies investigating a driver of a commercial motor vehicle license for DUI shall advise the person that a refusal to submit to a chemical test shall result in an out-of-service order for a period of 24 hours and a revocation of the privilege to operate a commercial motor vehicle for one year (CRS § 42-4-1301.1).

503.7.5 DEPUTY RESPONSIBILITIES

A deputy believing that a person should be subject to license revocation as a result of DUI shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126):

(a) A copy of the completed notice of revocation form

(b) A copy of any completed temporary permit

(c) The person's driver's license

(d) An affidavit, signed, dated and sworn to by the deputy containing information relevant to the legal issues and facts to be considered by the DMV for revoking the person's license

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503.7.6 EXTRAORDINARY CIRCUMSTANCES

If a deputy requests a person to submit to a chemical test and subsequently determines that there are extraordinary circumstances that prevent the completion of the test elected by the person within the two-hour time period, the deputy shall inform the person of such circumstances and request and direct the person to take and complete the other test. The person shall then be required to take and complete, and to cooperate in the completing of, the other test. Extraordinary circumstances include but are not limited to weather related delays, high call volume affecting medical personnel, malfunctioning breath test equipment and other circumstances that preclude the timely collection of a sample (CRS § 42-4-1301.1).

503.7.7 UNCONSCIOUS OR DECEASED PERSONS

If a deputy believes a person to be DUI and the person cannot submit to a chemical test because the person is unconscious, hospitalized, or undergoing medical treatment, the deputy may (CRS § 18-3.5-108; CRS § 42-4-1301.1):

(a) Have access to and analyze any blood, urine, or saliva that was obtained and not utilized by the health care provider.

(b) Have access to medical tests administered by the health care provider that show test results of the alcohol or drug content in the person's system. The provisions of CRS § 13-90-107 relating to physician privileged communications do not apply to such test results.

In addition, the blood or urine sample of any deceased driver or pedestrian at least 15 years of age shall be tested for alcohol, drug, and carbon monoxide concentration following the procedures established by the Department of Public Health and Environment (CRS § 42-4-1301.1; CRS § 42-4-1304).

503.7.8 MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD

A person who possesses a valid medical marijuana registry identification card (RIC) shall not be required to submit to a blood test solely based on the possession of the RIC (CRS § 42-4-1301).

503.8 WELD COUNTY RECORDS RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

503.9 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Division of Motor Vehicles (DMV).

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

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503.10 TRAINING

The Training Sergeant should ensure that deputies participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this office shall use the approved traffic citation(s) for all traffic offense citations.

The Office shall be responsible for the development and design of all traffic citations in compliance with state law (CRS § 42-4-1707).

The Support Services staff is responsible for the supply and accounting of all traffic citations issued to employees of this office. Citations will be kept in a secure location and issued to deputies by the Support Services staff. Deputies will sign for the citation books when issued.

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Shift Sergeant . Upon a review of the circumstances involving the issuance of the traffic citation, the Shift Sergeant may request that the deputy recommend dismissal of the traffic citation to the prosecuting attorney or court. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Shift Sergeant for review.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Unit.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The Deputy shall be directed by his/her supervisor to prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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The Deputy, with Supervisor approval, may also contact the recipient of the citation and re-issue a corrected citation and void the original.

504.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Weld County Records.

Upon separation from employment with this office, all employees who were issued traffic citation books shall return any unused citations to the Office.

504.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to local regulations (CRS § 43-2-135(1)(g) and CRS § 42-4-110(1)). A parking violation may be appealed by filing a request with the court and posting fees as required.

504.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles vary from the procedure for adults (CRS § 42-4-1707(1)(b)). The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Weld County Sheriff's Office has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 DEPUTY RESPONSIBILITIES

When an on-duty deputy observes a disabled vehicle, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy or other office member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Deputies are expected to assist motorists who are experiencing vehicle malfunctions and should assist, when able, with the changing of flat tires or other minor repairs. Deputies are discouraged from making mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2) is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws under the authority of CRS § 42-4-1803, et seq.

506.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned motor vehicle - A motor vehicle is abandoned if:

(a) It is on public property and (CRS § 42-4-1802(1)):

1. Left unattended on a highway right-of-way outside the limits of a town or city for a period of 48 hours or longer.
2. Left unattended on a highway right-of-way within the limits of a town or city longer than allowed by any local ordinance.
3. Stored in an impound lot at the request of a law enforcement agency and not removed within 72 hours after notification to the owner that the vehicle is available for release.
4. Fitted with an immobilization device and deemed to be abandoned.
5. Left unattended at a regional transportation district parking facility and deemed to be abandoned.

(b) It is on private property and (CRS § 42-4-2102(1)):

1. Left unattended without consent for at least 24 hours or as established by a local ordinance.
2. Not removed from an impound lot according to an agreement with the owner.
3. Towed at the request of a property owner and not removed from the impound lot by the vehicle owner within 48 hours.
4. Fitted with an immobilization device and deemed to be abandoned.

Abandonment of a motor vehicle - (CRS §18-4-512)

1. Any person who abandons any motor vehicle upon a street, highway, right-of-way, or any other public property, or upon any private property without the express consent of the owner or person in lawful charge of that private property commits abandonment of a motor vehicle.
2. To "abandon" means to leave a thing with the intention not to retain possession of or assert ownership over it. The intent need not coincide with the act of leaving.
3. It is prima facie evidence of the necessary intent that:
   (a) The motor vehicle has been left for more than seven days unattended and unmoved; or

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(b) License plates or other identifying marks have been removed from the motor vehicle; or

(c) The motor vehicle has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or

(d) The owner has been notified by a law enforcement agency to remove the motor vehicle, and it has not been removed within three days after notification.

506.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Colorado laws shall be marked and noted on the Weld County Sheriff's Office marked vehicle card and documented via the Records Management System.

A visible orange sticker or tag should be placed in an obvious location on the vehicle with the date, time, and location that the vehicle was discovered written on the tag. In addition, the investigating deputy's name and badge number should also be logged along with a general description of the vehicle for identification purposes.

All marked vehicle cards shall be documented in the RMS with;

(a) Vehicle location

(b) Whether the vehicle is reported stolen

(c) Any attempts to locate the owner

(d) General condition of the vehicle

(e) When the 72 hour timeline begins/ends

If a marked vehicle has been moved or the markings have been removed during a 72 hour removal period, the vehicle shall be marked again for another 72 hour abandonment violation and a marked vehicle card completed with anRMSupdate completed.

506.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle impound/ storage form shall be completed by the deputy authorizing the storage of the vehicle.

506.3.1 VEHICLE STORAGE REPORTING

The vehicle impound/storage form shall be submitted to the Weld County Records immediately following the storage of the vehicle. It shall be the responsibility of the Weld County Records to enter information from the vehicle impound/storage form into the Motor Vehicle Verification System and attempt to notify the owner as specified in the Vehicle Towing and Release Policy.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 MODIFICATION OF CHARGES FILED

Employees should consult with a supervisor prior to recommending to the District Attorney, County Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. Engaging in discussions initiated by the prosecutor representing the District Attorney or County Attorney is not restricted. In all cases resulting in court prosecution, any intent by a member of the Office to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Captain or the Sheriff or the authorized designee prior to taking action.

600.3 TRAINING

Deputies should receive training in conducting preliminary investigations prior to assignment to any investigative duties. Deputies assigned to investigative follow-up or advanced investigations, or upon assignment to the Investigation Unit should have completed training in follow-up investigations.

600.4 POLICY

It is the policy of the Weld County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.5 INITIAL INVESTIGATION

600.5.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the deputy shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators, scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.

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4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.5.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

600.6 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies (CRS § 16-3-406). Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.6.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed a Class 1 or Class 2 felony or felony sexual assault offense shall be recorded (audio and video) in its entirety when the interrogation takes place at any Weld County Sheriff's Office facility (CRS § 16-3-601) unless:

(a) The individual requests that the interrogation not be recorded.
    1. The request must be made in writing or at the beginning of the recording.
(b) The recording equipment fails.
(c) Recording equipment is unavailable due to damage or other extraordinary circumstances.
(d) Exigent circumstances prevent the recording of the interrogation.
(e) The individual is interrogated outside the state of Colorado.

Any custodial interrogation of an individual who is suspected of having committed any other violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

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No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Unit supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.7 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.8 COMPUTERS AND DIGITAL EVIDENCE

The Computers and Digital Evidence Policy establishes procedures or the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that can store digital information. If it is anticipated that computers or similar equipment will be seized, deputies may request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should

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take reasonable steps to prepare for such seizure and use the resources that are available to ensure compliance with Policy 814.

600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using office equipment.

Information obtained via the internet should not be archived or stored in any manner other than office-established record-keeping systems (see the Records Maintenance and Release and the Criminal Intelligence policies).

600.9.1 ACCESS RESTRICTIONS

Information that can be accessed from any office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.9.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

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600.10 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Captain or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.11 CASE MANAGEMENT

Supervisors should initiate a case management file after approving the first report in a case. The case management file should identify the status of the case. The deputy or investigative unit responsible to conduct follow-up investigation and the due date in which the case should be reviewed.

Deputies should query the case management system at the beginning of every shift to review any new cases assigned for the follow-up investigation.

Deputies should record all follow-up investigative activities in the case management file. At a minimum deputies should record the type of investigative activity conducted, the date the activity was conducted, the time spent on the activity and a brief comment describing the activity. Deputies should not utilize the case management file as substitute for information that should be memorialized in a report.

Supervisors should query the case management file of their assigned deputies on a weekly basis to ensure that follow-up investigations are being conducted in a timely manner.

Cases may be assigned to the Investigations Unit if they exceed the investigative capabilities of the Patrol Unit, or require specialized investigative skills, or can be more effectively and efficiently managed by the Investigations Unit. Requests to transfer a case to the Investigations Unit are made through the case management system. The Investigations Unit supervisor will determine if the case will be accepted for transfer into the unit.

600.12 CASE FOLLOW-UP INVESTIGATION

Deputies assigned to conduct a follow-up investigation shall ensure victims receive frequent updates on the status of the case. Victim updates shall be recorded in the case management file.

Follow-up investigations should be completed in a maximum of 14 days from the date the case was initially assigned unless an extension is granted by a supervisor.

Deputies assigned to conduct a follow-up investigation are responsible for case prepartion for the District Attorney's Office and completing all investigative tasks to the level that will allow a successful prosecution.

Upon reaching a disposition, the assigned deputy shall notify the victim of the final case status. Deputies shall close out all cases with a supplemental report showing victim notification date and closing status.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 18, Article 3, Part 4 (Unlawful Sexual Behavior).

Sexual Assault Review Team (SART) - A multidisciplinary group generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate reviews of cases.

601.2 POLICY

It is the policy of the Weld County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

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601.5 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART or multidisciplinary response team.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
6. Techniques for communicating with victims to minimize trauma.

601.6 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in a report.

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Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy. Victims should be notified if forensic medical evidence has been submitted to an accredited crime laboratory (CRS § 24-4.1-302.5).

601.7.1 TRUTH VERIFICATION EXAMINATIONS

Members of the Weld County Sheriff's Office shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation (34 USC § 10451; CRS § 18-3-407.5).

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (CRS § 18-3-407.5).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. Forensic medical evidence shall be collected if the victim requests the collection (CRS § 24-33.5-113; 8 CCR 1507-29).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable with consent.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

No Weld County Sheriff's Office member shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5).

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (CRS § 24-33.5-113; 8 CCR 1507-29):

(a) Obtain the victim's written consent prior to collection of any forensic medical evidence, using the form required by the Department of Public Safety (DPS).

(b) Submit evidence to the Colorado Bureau of Investigation or an accredited crime laboratory within 21 days, unless the victim withdraws consent.

(c) Retrieve medical forensic evidence when contacted by a medical facility for appropriate retention (CRS § 18-3-407.5).

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(d) Participate in the DPS statewide sexual assault evidence collection kit system for monitoring the status and location of the victim's sexual assault kit as required by CRS § 24-33.5-113.5.

Forensic evidence associated with an anonymous report made pursuant to CRS § 12-240-139 shall not be submitted to a laboratory for testing (CRS § 18-3-407.5).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable (CRS § 24-4.1-302.5).

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Unit supervisor.

Classification of a sexual assault as unfounded requires the Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted the victim's original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

The assigned investigator should inform the victim of any change in status of the case, including cases that are closed or reopened (CRS § 24-4.1-302.5).

601.10 CASE REVIEW

The Investigations Unit supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

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The SART or multidisciplinary review team and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

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Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Weld County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Weld County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Weld County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Sheriff or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Captain, Weld County Drug Task Force supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Weld County Sheriff's Office, and that they shall not represent themselves as such.

(d) The relationship between office members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.

2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of an authorized supervisor.

3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of an authorized supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The

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supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this office to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigations Unit . The Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Captain, or their authorized designees.

The Captain or designee should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Investigations Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

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(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the deputy initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigations Unit supervisor will discuss the above factors with the Patrol Captain and recommend the type and level of payment subject to approval by the Sheriff.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Investigations Unit buy/ expense fund.

1. The Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the deputy who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.

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2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. An authorization signature from the Sheriff is required for disbursement of the funds.

(c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Weld County Sheriff's Office case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS

The Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Sheriff or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when deputies of this office employ eyewitness identification techniques (CRS § 16-1-109; CRS § 16-1-110).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process -Any field identification, live lineup or photographic identification.

Field identification or showup-A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup -A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

Confidence Statement - a statement by an eyewitness immediately following an identification regarding his or her confidence in the identification's accuracy.

604.2 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (CRS § 16-1-109).

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

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(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness (CRS § 16-1-109).

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary (CRS § 16-1-109).

See attachment: Showup Provisions.pdf

604.3 EYEWITNESS IDENTIFICATION

Deputies are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case (CRS § 16-1-110). Deputies should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

604.3.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the person presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the person presenting a lineup to a witness should not know which photograph depicts the suspect or which person in the live lineup is the suspect (e.g., randomly numbering photographs, shuffling folders, using a computer program).

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (CRS § 16-1-109).

The person presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

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The order of the suspect or the photos and the fillers should be randomized before being presented to each witness (CRS § 16-1-109).

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating deputy should contact the appropriate prosecuting attorney before proceeding.

The following applies to photo arrays and live line ups:

(a) After viewing the photo array, the administrator should ask the eyewitness the following questions.If the eyewitness' answers are unclear, the administrator should ask the eyewitness what he/she meant by the answers.

1. Do you recognize anyone?
2. If so, what number to you recognize?
3. From where do you recognize this person?

(b) If the eyewitness makes an identification, in addition to recording or memorializing any spontaneous statements made by the eyewitness, the eyewitness should be asked about his/her level of certainty. The administrator should ask the eyewitness to choose which of the following statements best describes his/her level of certainty in the identification:

- I am confident that is the person I saw.
- I am somewhat confident that is the person I saw.
- I am not confident at all that is the person I saw.

604.3.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.The eyewitness' confidence statement, including any spontaneous statements, should be documented word for word.

A Field Identification may occur under the following conditions:

1. Following the commission of a crime,
   (a) A deputy acting on reasonable suspicion has detained the subject within minutes of the commission of the crime and near the location of the crime.
   (b) A live lineup nor photo array are not available as a means of identification.
   (c) The eyewitness reasonably believes he or she can identify the subject, or
2. To verify the identity of an intimate relationship as defined in section 18-6-800.3 (2) in a domestic violence case, or
3. To confirm the identity of a familial subject, including parent, child or sibling to the eyewitness.

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Eyewitness Identification

When initiating a field identification, the deputy should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1.The length of time the witness observed the suspect.

2.The distance between the witness and the suspect.

3.Whether the witness could view the suspect's face.

4.The quality of the lighting when the suspect was observed by the witness.

5.Whether there were distracting noises or activity during the observation.

6.Any other circumstances affecting the witness's opportunity to observe the suspect.

7.The length of time that has elapsed since the witness observed the suspect.

(c) The deputy shall transport the eyewitnesses separately to the location of the person subject to the showup

(d) The location must be as well-lit as practicable with an unobstructed view of the person subject to the showup

(e) The deputy shall avoid external factors that can be suggestive to the eyewitness, such as verbal comments, computer screen data, or any other information concerning the person subject to the showup

(f) The deputy shall not require the person subject to the show up to

1. put on described clothing worn by the suspect, or
2. speak specific words uttered by the suspect, or
3. perform any specific actions mimicking those of the suspect that occurred during the commission of the reported crime

(g) The deputy shall not show the subject to the eyewitness while the person is in handcuffs or in the back of a patrol vehicle, except in circumstances to prevent an imminent threat of physical harm to anyone or the escape of hte subject

(h) When multiple eyewitnesses exist, the deputy shall

1. permit only one eyewitness at a time to view the person subject to the showup.
2. separate the subjects and conduct separate showups with each subject.
3. separate the eyewitnesses from one another.

(i) The deputy shall obtain an interpreter if feasible before proceeding with the showup if the eyewitness has limited English proficiency or is hearing impaired or deaf.

(j) The deputy shall give the following admonition to the witness prior to conducting the showup:

- You should not assume the person you are about to see has committed a crime

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- We could be showing you a person for many reasons, including to clear the person from investigation
- Eliminating a person from an investigation serves an equally important purpose as identifying a person who might have been involved in the criminal activity
- The investigation of this matter will continue whether or not you identify a person
- Apart from individual assistance and cooperation with law enforcement, we cannot discuss the investigation with you and,
- Please do not discuss what you saw, said, or did during this procedure with any other eyewitness.

(k) Prior to the start of the identification procedure, the deputy shall

1. Ask the eyewitness if they understood the instructions
2. Ask the eyewitness if they agree to comply with the instructions
3. Ask the eyewitness if they have questions before the identification procedure begins
4. Tell the eyewitness they must respond affirmatively in order for the showup to proceed.

(l) The deputy shall use a body-worn camera to record a video of the entirety of the showup procedure including;

1. The appearance of each subject at the time of the showup
2. The location and conditions of the showup
3. The admonition provided to an eyewitness
4. The eyewitness confidence statement

(m) If an eyewitness makes an identification during a showup the deputy shall,

1. Ask the eyewitness whether the eyewitness is confident, somewhat confident or not confident about the identification
2. Take a clear statement from the eyewitness and document hte statement in the eyewitness's own words
3. If an arrest occurs, any further acts to obtain an additional identification by subsequent eyewitnesses must be through a live lineup or photo array.

604.4 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report (CRS § 16-1-109).

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Documenting the Photo Array:

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Administrators should document the following or substantially similar information using appropriate forms or notes:

(a) Where the procedure took place, who was present, the date and time it was administered.

(b) Any statements, comments or physical reactions of the eyewitness while viewing the array.

(c) Each eyewitness should complete a standard form that records their identifying information and the results of the procedure after viewing the array. The eyewitness should sign and date the array itself, or a copy supplied to document the identification procedure.

(d) The eyewitnesses confidence statement, including any spontaneous statements, should be documented word for word.

(e) Preserve the photo array in the original form that was shown to each eyewitness. A copy of the photo array should be included with the case report.

Documenting the Live Lineup:

Administrators should document the following or substantially similar information using appropriate forms or notes:

(a) Where the procedure took place, who was present in the viewing room and the lineup room, the date and time it was administered. Document the names of any deputies/ investigators who escorted the eyewitness to and from the viewing room.

(b) Any statements, comments or physical reactions of the eyewitness while viewing the lineup.

(c) Anything the lineup members were asked to do, such as speak, move or change clothing.

(d) Any requests made by defense counsel and whether they were granted.

(e) Each eyewitness should complete a standard form that records their identifying information and the results of the procedure after viewing the lineup.

(f) The eyewitness' confidence statement, including any spontaneous statements, should be documented word for word.

(g) If a video recording is not made, preserve a photograph of the lineup.

Documenting the field identification:

In cases where a field identification has been attempted, the report shall document the following;

1. The date, time, and location of the showup
2. The gender, age, and race of the subject and eyewitness in the showup, as determined by the deputy's perception or the subject's identification or retrieved from a database accessible by law enforcement
3. The alleged crime

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4. The outcome of the showup

604.4.1 REPORTING TO COLORADO DIVISION OF CRIMINAL JUSTICE
The following statistical data regarding field identifications shall be reported to the Colorado Division of Criminal Justice as required by CRS § 24-31-903 (see the Weld County Records Procedures Policy) (CRS § 16-1-109):

(a) Date, time, and location

(b) Gender, age, and race of the subject and any eyewitness

(c) Alleged crime

(d) Outcome of the show-up

604.5 PUBLIC ACCESS TO POLICY
This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

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Small Unmanned Aircraft System

605.1 PURPOSE AND SCOPE

This policy is intended to provide Weld County Sheriff's Office (WCSO) personnel assigned to the Unmanned Aircraft Program (sUAS), instruction on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with the U.S. Constitution, Colorado State law, and FAA regulations. And above all else, ensure the primary concern in each operation is the safety of citizens, regardless of the nature of the mission.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Operations Summary: An electronic and/or written record of a flight, normally showing flight planning information together with actual data recorded during the flight.

FAA: Federal Aviation Administration

Pilot In Command (PIC): The person who has final authority and responsibility for the operation and safety of flight, has been designated as PIC before or during the flight, and holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight. This PIC may be different than the person manipulating the controls of the UAS.

SME (Subject Matter Expert): An expert in the deployment, operation, and legal requirements of UAS platforms and related hardware and software systems.

Small Unmanned Aircraft: Unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Indoor Small Unmanned Aircraft: Unmanned aircraft weighing between 300 and 500 grams designed to fly in confined spaces. The primary use of an Indoor Small Unmanned Aircraft is to augment search capabilities of deputies by flying for reconnaissance prior to physically searching a moderate to high risk or hard to reach location.

Outdoor sUAS (Small Unmanned Aircraft System): The Small Unmanned Aircraft and its associated elements (including communication links and the components that control the small, unmanned aircraft) that are required for the safe and efficient operation of the small, unmanned aircraft in the national airspace system.

sUAS Pilot: An individual designated by the Sheriff's Office to operate an unmanned aircraft system and trained and certified in accordance with 14 CFR Part 104.

Visual Observer (VO): A person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

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605.2 POLICY

It is the policy of the Weld County Sheriff's Office to utilize Unmanned Aircraft Systems (UAS) to augment traditional public safety techniques and resources by providing air support in finding missing persons during search and rescue missions, visual reconstruction of crime scenes and in locating and apprehending wanted subjects, as well as to perform any task that can best be accomplished from the air in an effective and legal manner. UAS platforms are operated only by designated, trained, and qualified UAS pilots of the Weld County Sheriff's Office. The unmanned aircraft systems can be equipped to provide real-time and/or stored video reconnaissance to incident commanders, coordinators, etc., or to provide communications relay capabilities. UAS platforms are unarmed and prohibited from use for stand-alone law enforcement surveillance. All UAS operations will be undertaken with respect to citizen's civil liberties, rights and privacy, and safety.

The Weld County Sheriff Office's UAS may be deployed at the request of other Weld County public safety organizations, with the approval of Lieutenant or higher rank, Lieutenant designee, or UAS program supervisor, if the operation fits within the scope of the WCSO UAS policy. The Sheriff's Office may deploy an UAS platform in a safe, efficient, effective, and legal manner in other public safety events when an aerial perspective enhances tasks related to that event. Finally, this policy is not all inclusive but a supplement to other UAS guidelines, Federal Aviation Regulations (14 CRF Part 107), aircraft manufacturer's approved flight manuals, and applicable Weld County Sheriff's Office policies.

605.3 PERSONNEL

A. The Sheriff or his designee assigns a qualified member of the Weld County Sheriff's Office to act as the sUAS Program Supervisor. This individual is responsible for oversight of the program including adherence to all FAA regulatory requirements, Title 14 Code of Federal Regulations Part 107, pilot training, Colorado State Law, U.S. Constitution, and liaison with the FAA and other agencies related to the WCSO UAS Program. The sUAS Program Supervisor is responsible for ensuring this policy is updated to reflect current law and regulations.

B. The Program Supervisor, or his/her designee, may designate any qualified member of the WCSO as the PIC for any UAS flight event that occurs under the FAA Certificate of Operating Authority (COA), and ensure the COA is current.

605.4 PILOTS

A. A Pilot's primary duty is the safe and effective operation of the Unmanned Aircraft System in accordance with this policy, the flight manual of the manufacturer and all applicable FAA regulations.

B. A pilot must successfully pass the FAA 14 CFR Part 107 written test prior to assuming flight control duties as well as approval from the Program Supervisor after successfully demonstrating competency in assuming the role of Remote Pilot in Command.

C. Being able to safely operate the UAS relies on, among other things, the physical and mental capabilities of the remote PIC, person manipulating the controls, VO, and any

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other direct participant in the UAS operation. Though the person manipulating the controls of an UAS and VO are not required to obtain an airman medical certificate, they may not participate in the operation of an UAS if they know or have reason to know that they have a physical or mental condition that could interfere with the safe operation of the UAS.

D. Pilots must remain fully aware of all FAA regulations, applicable WCSO policies and the UAS manufacturers approved flight manual. Failure to remain current in this area, including both criminal and civil legal issues associated with the protections of the 4th Amendment is grounds for removal from active flight status.

E. The assignment of any WCSO employee or volunteer to any UAS program operation is the prerogative of the Sheriff or Undersheriff and dismissal from the operation occurs with his/her initiation or approval.

605.5 TRAINING

A. Qualified personnel, in accordance with applicable policies and procedures, conduct the initial and ongoing training of personnel assigned to the UAS program.

B. The Program Supervisor, or designee, documents all training related to the UAS program in accordance with applicable Weld County Sheriff's Office policies and procedures.

C. Instructors conduct training in a safe manner and in a way that minimizes the negative impact on members of the public.

D. The UAS Program Supervisor, in consultation with the supervising Lieutenant, designates UAS pilots to organize and execute proficiency exercises on a recurring basis.

E. The UAS Program Supervisor identifies additional training requirements and collaborates with the WCSO training Sergeant to obtain qualified instructors to perform required training.

F. The Program Supervisor is responsible for monitoring FAA regulations, and the development of curriculum and training as required, ensuring program compliance with FAA regulations.

G. Review of this policy by UAS Program members is required at least once every 3 years, or as early as changing laws and regulations.

H. The Program Supervisor is responsible for consulting with the Professional Standards Sergeant to ensure the UAS Program training records are maintained in accordance with the Weld County Sheriff's Office training records procedures.

I. The Program Supervisor is responsible for auditing this policy and the UAS program annually to ensure compliance.

605.6 CIRCUMSTANCES FOR FLIGHT OPERATIONS REQUEST

A. When the sUAS is activated under existing mutual aid agreements.

B. Whenever the safety of the public or law enforcement personnel is in jeopardy and the presence of the aircraft is likely to reduce such hazard.

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C. When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

D. When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

E. Pre-planned events or actions that require air support.

F. To provide an aerial visual perspective to assist personnel in providing direction for public safety events, traffic incident management, special circumstances, and temporary or SWAT mission perimeter security.

Circumstances that are not an approved flight operation mus tbe approved by the Sheriff or the Sheriff's designee.

605.7 REQUEST FOR UAS OPERATIONS

A. Request for a UAS operation follows the below listed protocol:

1. When time permits submit the request in writing to the Program Supervisor or his/her designee, and
2. Receive authorization from the rank of Sergeant or higher.
3. In the case of an in-progress event, the request originates from the incident commander or his/her designee and is communicated to the rank of Sergeant or higher.
4. All deployments of UAS Operations must be accompanied by a notification to a person with the rank of Lieutenant or higher.

B. A request for UAS Operations from an outside agency follows normal WCSO mutual aid request procedures prior to submission to the UAS team.

C. It is required that all UAS operations be performed within Weld County in accordance with the Sheriff's Office policy and FAA regulations.

D. Any flight that has been deemed a search under the 4th Amendment and does not fall under court approved exceptions will require a warrant. A pilot will not conduct a mission deemed a search under the 4th Amendment without possession of a signed warrant or personal knowledge that one has been issued.

605.8 RESPONSIBILITIES

A. The pilot controlling the aircraft is the PIC and is the final authority over the operation of the unmanned aircraft.

B. No member of the Weld County Sheriff's Office, regardless of rank, is authorized to order a pilot to make a flight, or modify a flight, when, in the opinion of the PIC, it cannot be done safely or in a legal manner.

C. Pilots are responsible for compliance with this policy, law, and FAA Regulations.

D. Pilots are to document each mission and training flight. It is the responsibility of the Program Supervisor to ensure flight records are kept and producible in accordance with WCSO records keeping policy.

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E. It is the responsibility of the employee requesting the flight operation to obtain a search warrant for any flight that is a search under the 4th Amendment, and that does not fall under exigent circumstance exceptions.

1. A pilot is prohibited from conducting a mission that is a search under the 4th Amendment without possession of a signed warrant or personal knowledge that one has been issued. It is the responsibility of the PIC to ensure that the location identified in the warrant is in the mission operation area.
2. Affected personnel are to seek counsel from the District Attorney's Office when unresolved 4th Amendment issues require clarification.

F. The Weld County Sheriff's Office will maintain transparency of the sUAS Program with the public, providing an overview of the program and updates to this policy which may affect privacy, civil rights, or civil liberties. This can be done through public outreach, media release, and/or posting this policy online if non-sensitive.

G. Public notice of planned sUAS operations will be given online, media, or social media at a time that will not jeopardize the mission ro alert suspects of a planned law enforcement operation.

H. Annual report of sUAS operations will be published with a description of the types or categories of missions flown and the number of times a sUAS was used in response to a mutual aid requests.

I. Data management including oversight and auditing will be the responsibility of the Program Supervisor.

J. Data auditing will take place every year.

605.9 LEGAL ISSUES

A. The Sheriff's Office legal advisor, and/or the Sheriff's designee, is responsible for monitoring the state of current applicable laws, regulations, and/or case law related to the operation and deployment of an UAS and ensuring that policies, procedures, and/or manuals are updated, as needed.This UAS policy will be reviewed every three years, and prior to the deployment of new UAS technology.

B. Private or sensitive information is handled in compliance with all applicable WCSO policies, state law, and The Privacy Act of 1974. Retention of data and information for more than 180 days is only authorized when deemed necessary for an authorized mission and if retained information is follows Weld County Records keeping. Any private or sensitive information collected that is not deemed evidence or of significant training value is to be discarded, deleted, or destroyed.

C. UAS-recorded data will not be collected, disseminated, or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).

D. Collection, use, dissemination, or retention of UAS-recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.

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E. All complaints made, or issues reported on the use of UAS will be investigated in accordance with the Weld County Sheriff's Office Professional Standards procedures and standards. This includes but is not limited to complaints involving privacy, civil rights, and civil liberties.

F. Suspected misuse or abuse of the UAS or any data collected will be immediately reported to the Program Supervisor and to the Weld County Professional Standards.

605.10 SAFETY

All UAS missions are conducted with regard to risk/benefit analysis during mission planning. A mission or training exercise must be terminated when the situation changes in such a way that safety guidelines are exceeded or compromised.

605.11 EMERGENCY PROCEDURES

A. Any unmanned aircraft event that causes injury to any person, damage to private property or to UAS equipment is reported through the management structure of the UAS program. This is in addition to any other reporting or documentation requirements imposed by law, FAA regulation or WCSO policy.

1. Ensuring medical response and providing immediate medical aid to any injured person is the primary responsibility of on-scene personnel.

B. An aircraft accident must be reported to the FAA in accordance with 14 CFR Part 107 SS 107.9 Accident Reporting.

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Weld County Sheriff's Office seizes property for forfeiture or when the Weld County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the assigned attorney.

Property subject to forfeiture - Property may generally be subject to forfeiture under the Public Nuisance Abatement Act and the Contraband Forfeiture Act when (CRS § 16-13-303; CRS § 16-13-307; CRS § 16-13-504):

(a) There has been a conviction or a negotiated plea of a specified offense (see statutes), or the owner fled from an arrest warrant charging one of those offenses.

(b) Possession of the property was unlawful or the owner of the property was a party to the offense that led to the property's use or purchase.

(c) The property was instrumental in the commission or facilitation of a specified crime, or the property constitutes traceable proceeds of the crime or related criminal activity.

Real Property - All lands and franchises and interests in land located within this state, including water rights, mineral rights, oil and gas rights, space rights, condominium rights, and air rights, and any and all other things usually included within said term. Real property includes any and all interests in such property less than full title, such as easements, incorporeal hereditaments, and every estate, interest, or right, legal or equitable. (CRS § 16-13-301)

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Weld County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

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It is the policy of the Weld County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer.

(a) Real property pursuant to a court order (CRS § 16-13-302).

(b) Non-real property when there is probable cause to believe that it will qualify as property subject to forfeiture and the seizure is incident to a lawful search (CRS § 16-13-315; CRS § 16-13-504).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the district attorney’s current minimum forfeiture thresholds should not be seized.

(b) The owner of the property is an “innocent owner” and did not have knowledge of the illegal conduct prompting the seizure (CRS § 16-13-303; CRS § 16-13-504).

(c) Rental vehicles, unless the seizing agency has probable cause to believe the motor vehicle rental company, at the time of rental, had knowledge or notice of the criminal activity for which the rental car was used (CRS § 16-13-315; CRS § 16-13-504).

606.3.3 SEIZED BOATS AND MOTOR VEHICLES

Vehicles, watercraft or aircraft seized subject to forfeiture will be taken to a designated storage facility appropriate for the storage of the item in a manner consistent with the Vehicle Towing and Release Policy. A seized vehicle should not be impounded. The deputy seizing the vehicle shall notify the detective supervisor and the forfeiture reviewer of the circumstances as soon as possible.

If the vehicle cannot be operated, a tow truck or trailer will be used to tow the boat or motor vehicle to the storage facility.

Personal property located in a seized boat or motor vehicle shall be removed and booked into property as either evidence or for safekeeping.

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If a rented motor vehicle is seized, the lead case investigator shall notify the motor vehicle rental company of the seizure. A rented motor vehicle shall be returned to the rental company unless the vehicle must remain in custody for evidentiary purposes or if there is probable cause to believe the rental company had knowledge or notice of the criminal activity (CRS § 16-13-315(3) and CRS § 16-13-504(1.5)).

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer and District Attorney within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items. Photocopies of the cash should be made and booked into evidence for use at hearings.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer and District Attorney.

606.5 MAINTAINING SEIZED PROPERTY

Assets shall be disposed of pursuant to Weld County Code and state law and may include (CRS § 16-13-311 and CRS § 16-13-506):

(a) Retention by the Office.

(b) Destruction.

(c) Public sale.

(d) Other disposition pursuant to applicable provisions of Colorado law.

Members of this Office or persons related to members of this Office by blood or marriage are prohibited from purchasing forfeited items sold by this office (CRS § 16-13-302(g)).

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606.6 FORFEITURE REVIEWER

The Sheriff will appoint a deputy as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Office on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly CRS § 16-13-501 et seq. and CRS § 16-13-301 et seq., in addition to the forfeiture policies of the district attorney.

(b) Serving as the liaison between the Office and the district attorney and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

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3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return (CRS § 16-13-501.5; CRS § 16-13-302).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a plan that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Selling or destroying forfeited property as ordered by a court (CRS § 16-13-506; CRS § 16-13-507; CRS § 16-13-311).

(k) Depositing forfeited money in the court registry where the forfeiture order was entered, and overseeing the sale to ensure that the proceeds are distributed as set forth in CRS § 16-13-311.

(l) Applying to the court for expenses reimbursement consistent with CRS § 16-13-311, when applicable, and sending copies of the documents to the district attorney.

(m) Unless directed by an authorized agent of the federal government, ensuring that no seized property is transferred to a federal agency for forfeiture under federal law unless an owner of the property is being prosecuted in federal court (CRS § 16-13-505; CRS § 16-13-307).

(n) If so ordered by the Court, placing currency seized in an interest-bearing account during forfeiture proceedings after ensuring that portions of the bills have been photocopied for evidence at hearings (CRS § 16-13-510; CRS § 16-13-303).

(o) Ensuring that the process of selling or adding forfeited property to the office’s regular inventory is in accordance with Weld County Code and all applicable laws and consistent with the office’s use and disposition of similar property (CRS § 16-13-501.5; CRS § 16-13-302).

(p) Upon completion of any forfeiture process, ensuring that no property is retained by the Weld County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.

(q) Coordinating with the fiscal agent and/or agency Budget Manager to ensure reporting seizure information within the required time periods (even if no forfeiture proceeds

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were received) to the Colorado Department of Local Affairs (DOLA) as set forth in CRS § 16-13-701.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives.

606.7 DISPOSITION OF FORFEITED PROPERTY

No forfeited property shall be used and no forfeited proceeds shall be expended until the committee on the disposition of forfeited property approves (CRS § 16-13-702). Members are prohibited from purchasing forfeited property (CRS § 16-13-501.5; CRS § 16-13-302).

No member of this office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use.

606.8 FORFEITURE PAYMENTS FROM FEDERAL AGENCIES

Payments or distributions from a federal agency as a result of a forfeiture action may only be received by this office when the aggregate net equity value of the property and/or currency seized is in excess of $50,000, and a forfeiture proceeding has been commenced by the federal government related to a filed criminal case (CRS § 16-13-306.5; CRS § 16-13-504.5).

606.9 GRANTS FROM THE DIVISION OF CRIMINAL JUSTICE

The forfeiture reviewer is responsible for ensuring funds received through a grant from the Colorado Division of Criminal Justice (DCJ) are used in a manner that complies with the policies and procedures established by DCJ, and that any necessary reporting is completed and submitted to DCJ in the required time frame (CRS § 24-33.5-522).

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Warrant Service

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

614.2 POLICY

It is the policy of the Weld County Sheriff's Office to balance the safety needs of the public, the safety of office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

614.3 PATROL LIEUTENANT

The Sheriff will designate a member of this office to be the Patrol Lieutenant.

The Patrol Lieutenant will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations. The Patrol Lieutenant will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Patrol Lieutenant will also have the responsibility for coordinating operations that are categorized as high risk.

The Patrol Lieutenant (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Patrol Lieutenant will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

614.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Patrol Lieutenant for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Patrol Lieutenant.

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614.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should complete the risk assessment form and submit it to the appropriate supervisor and the Patrol Lieutenant for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Patrol Lieutenant. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.5.1 SERVICE OF ARREST WARRANTS

Arrest warrants may be executed only by sworn law enforcement officers. Any arrest made on a warrant must be verified by documentation that some agency has that warrant in its possession and that to the best of that agency's knowledge the warrant is still in effect or that the warrant is active in the warrant management system. No member shall make an arrest on a warrant unless he/she confirms the present status of the warrant immediately before making the arrest.

614.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution (CRS § 16-3-303; CRS § 16-3-305).

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

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614.7 HIGH-RISK WARRANT SERVICE

The Patrol Lieutenant or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded as required by CRS § 24-31-902 (CRS § 16-3-305).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

614.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

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614.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.9.1 RECORDS

Information regarding each item of civil or criminal legal process shall be recorded including, but not limited to:

- The date and time the document was received.
- The type, nature and source of the document.
- The name of the plaintiff, complainant, defendant or respondent.
- The name of the deputy assigned to the service and the date assigned.
- The court docket number, if applicable.
- The service due date.

Information regarding the service of documents shall include, but is not limited to:

- The date and time the service was attempted or executed.
- The name of the deputy attempting or executing the service.
- The name of the person who was the subject of the service.
- The method of service or the reason for non-service.
- The address of the service attempt or execution.

Warrant service records shall be retained in accordance with the established records retention schedule.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Patrol Lieutenant will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Patrol Lieutenant. The Patrol Lieutenant should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor

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from the other agency. The Patrol Lieutenant should ensure that members of the Weld County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Weld County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Patrol Lieutenant is unavailable, the Shift Sergeant should assume this role.

If deputies intend to serve a warrant outside Weld County Sheriff's Office jurisdiction, the Patrol Lieutenant should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Weld County Sheriff's Office when assisting outside agencies or serving a warrant outside Weld County Sheriff's Office jurisdiction.

614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

614.12 TRAINING

The Training Sergeant should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

615.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

615.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

615.2 POLICY

It is the policy of the Weld County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

615.3 OPERATIONS DIRECTOR

The Sheriff will designate a Patrol Lieutenant of this office to be the operations director.

The Patrol Lieutenant will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Patrol Lieutenant will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Patrol Lieutenant will also have the responsibility for coordinating operations that are categorized as high risk.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental health disorder, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

615.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisors and the Patrol Lieutenant.

The supervisor and Patrol Lieutenant shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

615.4.3 HIGH-RISK OPERATIONS

If the Patrol Lieutenant, after consultation with the involved supervisor, determines that the operation is high risk, the Patrol Lieutenant should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

  (a) SWAT

  (b) Additional personnel

  (c) Outside agency assistance

  (d) Special equipment

  (e) Medical personnel

  (f) Persons trained in negotiation

  (g) Additional surveillance

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(h) Canines

(i) Weld County Evidence or analytical personnel to assist with cataloguing seizures

(j) Forensic specialists

(k) Specialized mapping for larger or complex locations

(b) Contact the appropriate office members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

615.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

615.6 OPERATIONS PLAN

The Patrol Lieutenant should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives, and strategies.

(b) Operation location and people:

(a) The subject of investigation (e.g., history of weapon possession/use, known mental health disorder issues, known drug use, threats against police, gang affiliation, criminal history)

(b) The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams, and other visual aids

(c) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

(d) Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement (CRS§ 16-3-305).

(e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing, and approving reports.

(m) Requirements for no-knock entries as provided in CRS § 16-3-305 and CRS § 16-3-312.

615.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

615.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The Patrol Lieutenant shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the Patrol Lieutenant for deputies who are conducting surveillance or working undercover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the Patrol Lieutenant to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.

2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

615.8 SWAT PARTICIPATION

If the Patrol Lieutenant determines that SWAT participation is appropriate, the Patrol Lieutenant and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

615.9 SPECIAL EVENTS AND DIGNITARY PROTECTION

For special events, including dignitary visits, that require office involvement, the Patrol Lieutenant should also consider whether to apply some or all of this policy to the event and address the following:

(a) The size of any crowds anticipated to gather and the likelihood that crowd control could pose a problem

(b) The possibility of crime in the area

(c) Protection of VIPs

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(d) Coordination with VIP teams

(e) Coordination of VIP management with other jurisdictions

(f) Whether the Office has the capacity to handle the event and, if not, ensure that assistance from the appropriate outside agencies is coordinated

(g) Personnel allocation

(h) Possible use of private security

(i) Traffic management plans

(j) Arrest protocol, including management of mass arrests

615.10 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

615.11 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

615.12 TRAINING

The Training Sergeant should ensure deputies and SWAT team members who participate in operations subject to this policy receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 7 - Equipment

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Office-Owned Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to Office issued property while performing their assigned duties. Certain procedures are required depending on how the loss or damage of the item occurred.

700.1.1 DEFINITIONS

Property – any item or equipment owned in whole or in part by the Office or Weld County Government including but not limited to uniforms, duty gear, firearms, less-lethal weapons, radios, body armor, computing equipment, vehicles, body worn cameras, and supporting equipment.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued, including uniforms, should be documented in the appropriate property form and receipt acknowledged by signature of the employee receiving the equipment.

The Quartermaster, Accounting Technician, Body Worn Technician or Unit Supervisor that issues Office owned property to an employee, shall document the property on the property form, and obtain a signature from the employee acknowledging receipt. The employee issued property form can be found at See attachment: PROPERTY FORM-BLANK.pdf

Signed forms should be forwarded to the Quartermaster for electronic archiving into the employee's issued property file. The Quartermaster should update the employee's issued property file as needed to accurately reflect Office issued property possessed by the employee.

700.2.1 CARE OF OFFICE PROPERTY

Employees should be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Office property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees should promptly report, through the chain of command, any loss, damage to or unserviceable condition of any office-issued property assigned for their use.

(b) The use of damaged or unserviceable Office property should be discontinued as soon as practicable and, if appropriate, replaced with comparable Office property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by a supervisor or required by exigent circumstances, Office property should only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Office property should not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Office property becomes damaged or unserviceable, no employee should attempt to repair the property without prior approval of a supervisor.

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700.2.2 SUPERVISORY RESPONSIBILITIES

A supervisor receiving an employee's report of loss, damage or unserviceable condition should conduct an appropriate inquiry to determine whether the employee exercised reasonable care.

Loss or damage resulting from circumstances beyond the employee's control, enforcement or security action, or due to normal wear-and tear of property should not be grounds for disciplinary action, unless carelessness, negligence, recklessness, or misconduct are the proximate cause.

The supervisor should complete the Weld County Accident and Damage Property Loss Report (See attachment: PROPERTY-ACCIDENT-DAMAGE - LOSS REPORT.pdf) and forward to the Quartermaster.

700.3 EQUIPMENT LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any work-related function should report it as provided below:

(a) A verbal report should be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report should be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

(c) The employee's supervisor should notify the Lieutenant or Captain.

700.3.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to property belonging to the Office, it should be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit.

(a) The employee should submit a written report before going off-duty or as otherwise directed by the supervisor.

(b) The employee's supervisor should notify the Lieutenant or Captain.

700.4 SEPARATION FROM EMPLOYMENT

Upon an employee's separation from the Office, all issued property must be returned.

A supervisor receiving the notice of separation from the employee shall make notification to the Quartermaster, Accounting Technician and the BWC group via the "No Longer Employed" email group, or other established process.

The supervisor should review the employee's electronic issued property file, collect the Office property and conduct an inventory on or about the employee's last day of work. Ideally the return of equipment and inventory should be planned in advance to allow the employee enough time to correct deficiencies, locate lost property or make reimbursement prior to separation from the Office.

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The supervisor should give notice to the separating employee that all other Office property not returned prior to the time of separation shall be returned on the next business day, unless reasonable arrangements are made.

The separating employee's supervisor is responsible for following up with the former employee until all Office issued equipment is returned, or a recommendation for civil or criminal action is made to the chain of command.

The Office property and inventories shall be returned by the supervisor to the Quartermaster.

700.4.1 UNEXPECTED SEPARATION

In cases involving an unexpected separation on the employee's last day of work (e.g., resignation without notice), at a minimum, the supervisor receiving the notice of separation shall attempt to collect the following Office issued property:

- Office issued identification and access cards
- Office issued badge
- Firearms
- Duty belt
- Body armor
- Less lethal devices
- Radio
- Body worn camera and components
- Cellular telephone or computing device
- Any other high value or sensitive equipment

The supervisor shall give notice to the separating employee that all other Office property not returned at the time of separation shall be returned on the next business day, unless reasonable arrangements are made.

The separating employee's supervisor is responsible for following up with the former employee until all Office issued equipment is returned, or a recommendation for civil or criminal action is made to the chain of command.

700.5 DISCIPLINARY, CIVIL OR CRIMINAL ACTION

Employees may be subject to disciplinary action for the loss, damage or unserviceable condition of Office property due to abuse, carelessness, negligence, recklessness, or misconduct.

Current and former employees may be financially responsible for reimbursement for loss, damaged or unserviceable condition of Office property.

At the discretion of the Sheriff or designee, employees failing to return Office owned property or making prompt reimbursement may be subject to civil or criminal action.

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Office-Owned Property

Requests for criminal action should be referred to the Patrol Division or appropriate law enforcement agency. Requests for civil action should be referred to Weld County Attorney's Office.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of office-issued mobile telephones and personal communication devices, and the on-duty use of such devices owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and other such wireless two-way communications and/or portable Internet access devices.

In addition, the use of any computer, internet service, phone service or other wireless service, including employee-owned devices and services, to send or receive information that may be related to public business may be subject to review or disclosure.

701.1.1 PRIVACY POLICY

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Office expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including the content of any such communications. The Office also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

701.2 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

701.2.1 USE OF PERSONAL COMMUNICATION DEVICES

Employees are discouraged from using personally owned PCDs to conduct Office business. Any form of personal computing technology, including personally owned PCDs, that synchronizes information, transfers information or communicates with the Weld County Government's network infrastructure or data may be subject to inspection of the device and review and disclosure of the

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contents. Employees may be personally liable in a legal action involving Weld County as a result of their use of a personally owned PCDs for Office business.

Employees should use Office issued PCDs to conduct legitimate Office business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impracticable or not feasible. PCDs should not be used to replace regular radio communications.

(a) PCDs shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a carrier that has been approved by the Office.

(b) Office issued PCDs may not be used to conduct personal business while on-duty, except when brief personal communications may be warranted by the circumstances (e.g., to inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by the public.

(c) Employees should avoid off-duty use of agency-owned PCDs unless exigent circumstances exist; i.e. recall to work, specialty unit call-outs, court call-offs, etc. Routine calls, and messages, can be returned during the employee's scheduled shift. Off-duty use for routine, work activities cannot be claimed as work time.

(d) The on-duty use of PCDs, including personally owned PCDs, for purposes other than what is specifically permitted within this policy is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Office for any charges incurred as a result of personal use of the agency-owned PCD.

(e) Any images, audio recordings, or digital data files collected with a PCD, during the course of an employee's duties, are considered to be agency documents and may only be distributed in accordance with agency policy.

(f) Agency-issued or personally-owned PCDs shall not be used as an improvised body camera unless done through an Office approved body worn camera application on an agency-issued PCD.

(g) Employees shall not access criminal Justice information (CJI) on their personally owned PCD to include JMS or RMS applications.

701.2.2 USE WHILE DRIVING

The use of a PCD while operating a motor vehicle can cause unnecessary distractions and presents a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device.

Except in the case of an emergency, employees who are operating non-emergency vehicles should avoid the use of cellular telephones or other PCDs while driving unless the device is specifically designed and configured to allow hands-free listening and talking. Such use should be restricted to business-related calls or calls of an urgent nature (CRS §42-4-239(3)).

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Manual dialing calls, while an agency vehicle is in motion, should be avoided. To place an outgoing call, employees should pull their vehicle off the road and stop in a safe location, or use voice-dialing features, to avoid driver distraction. Manual operation of PCDs, either issued by the department, or personally-owned, to send or read text messages and emails, internet browsing, programming navigation apps, or any other manual operation, while an agency-owned vehicle is in motion is prohibited. Hands-free operation, i.e. voice-to-text, Siri, Cortana, or any similar app, is permitted.

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Mobile Fingerprint Scanner

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Mobile Fingerprint Scanners (scanner) in a patrol setting. Due to a variety of situations confronting the deputy, the decision to utilize the scanner shall be left to the discretion of the involved deputy based on the totality of the circumstances available at the time of the contact.

702.2 DEFINITIONS

Consensual encounter – Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Reasonable Suspicion – Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

702.3 USE OF FINGERPRINT SCANNER

The scanners are to be used at the deputy's discretion, in consultation with the shift supervisor whom has physical control and accountability of the device. The scanner will be used to provide presumptive identification of persons or deceased subjects. Approved uses include:

· Probable cause to arrest exists and there is reason to believe that obtaining fingerprints will assist in the investigation;

· If reasonable suspicion exists that a driver or suspect is providing false or fictitious identification;

· In a death investigation in which no other reasonable means exists for identifying the deceased AND when a member of the Coroner's Office is present or gives approval

· On juveniles, with parent or legal guardian consent;

· Voluntary consent, must be articulated to the person so encountered and documented at a minimum in police reports (written consent is best). Voluntary consent may be withdrawn at any time by the person contacted

· At-risk or missing persons whom are unable to provide positive identification

702.4 UNAUTHORIZED USE OF FINGERPRINT SCANNER

- NOT TO BE USED FOR RANDOM OR GENERAL INVESTIGATIVE OR INTELLIGENCE GATHERING

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Vehicle Maintenance

703.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

703.2 DEFECTIVE VEHICLES

When an Office vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs of repair.

703.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

703.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

703.2.3 REMOVAL OF WEAPONS

All firearms, weapons, conducted energy devices and kinetic impact weapons shall be removed from a vehicle, and safe control will be maintained of each item, prior to the vehicle being released for maintenance, service or repair.

Safe control of all firearms, weapons, and kinetic impact weapons must be maintained by securing the items in the agency armory, or any other method that renders the weapon safe from unauthorized use. (i.e. disassembly, trigger locks or personal gun safe)

703.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Office vehicles for emergency purposes and to perform routine duties.

703.3.1 PATROL VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and complete a pre-operational checklist to ensure each vehicle contains the required equipment for duty and that the following equipment, at a minimum, is in the vehicle:

- o 1 Flashlight(minimum)

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- CPR Mask
- Restraints - Belly Chain, Leg Irons, Flex Cuffs, Leg Hobble
- Vehicle Papers - Insurance card, Registration, Fuel Card
- Emergency Response Guide Book/I-25 incident plan/ I-76 incident plan
- Fire Extinguisher
- First Aid/Bio Hazard Kit
- Blanket
- 9 Road Flares
- Traffic Vest
- Roll Measuring Device
- Crime Scene Barrier Tape
- Evidence Bags (all sizes, paper & plastic)
- Less Lethal Shot Gun with 7 Sock rounds
- Stop Sticks
- Collapsible Shovel
- Stuffed Animals
- Spare Tire, Jack & Tire Tool
- 1 can of spray paint
- Spit Mask

703.3.2 UNMARKED VEHICLES

An employee driving an unmarked Office vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- 1 Flashlight
- Vehicle documents- insurance card, registration, fuel card
- CPR Mask
- Fire Extinguisher
- First Aid/Bio Hazard Kit
- Spare Tire, Jack & Tire Tool
- 1 roll crime scene barricade tape
- Emergency Response Guide Book/I-25 incident plan/I-76 incident plan

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703.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles should be fully fueled when placed into service and refueled at the conclusion of each Deputy's shift or anytime the fuel level falls below 1/4. Vehicles shall only be refueled at an authorized location.

703.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall clean the interior of the vehicle by removing any trash or debris, wipe all surfaces with a cleaning agent (Clorox wipes or similar product to mitigate germs and bacteria) at the end of each shift.

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Vehicle Use

704.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure County-owned vehicles are used appropriately. For the purposes of this policy, "County-owned" includes any vehicle owned, leased or rented by the County.

704.2 USE OF VEHICLES

Operational necessity requires a clear accounting of vehicle assignments and usage. Prior to utilizing a County-owned vehicle employees shall record their badge number and vehicle number on the vehicle tracking board, or notify the on-duty Supervisor or Quartermaster. Employees shall also submit a vehicle preoperational checklist to the on-duty Supervisor or Quartermaster. Non-compliance may be grounds for disciplinary action.

704.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on-duty. If the vehicle is not equipped with a working in-car computer, they shall notify Dispatch for entry of the vehicle number and mileage. If the employee exchanges vehicles during the shift, the new vehicle's information shall be entered accordingly.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents, missing equipment or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

704.2.2 UNSCHEDULED USE OF VEHICLES

Personnel requesting to utilize a vehicle for any purpose other than their normally assigned duties shall first request approval from their immediate Supervisor or watch Sergeant.

704.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

704.2.4 INVESTIGATIONS UNIT VEHICLES

Investigation Unit vehicle use is restricted to investigative personnel unless approved by the Investigations Unit Sergeant. Investigation Unit personnel shall record vehicle usage via the mileage log maintained in the unit. After-hours use of Investigation Unit vehicles by personnel not assigned to the Investigation Unit shall be preapproved with the Shift Sergeant and the Investigations Unit Sergeant.

704.2.5 AUTHORIZED PASSENGERS

Personnel operating office-owned vehicles shall not permit persons other than County employees or persons required to be conveyed in the performance of duty, or as otherwise authorized, to

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ride as a passenger in their vehicle without the permission of the Sheriff or his designee with a current liability waiver on file.

704.2.6 INSPECTION AFTER USE FOR TRANSPORT
The interior of any vehicle used to transport any person other than an employee shall be inspected after completion of the transport to ensure unauthorized contents have not been left in the vehicle.

704.2.7 PARKING
County-owned vehicles should be parked in the assigned parking area. Employees shall not park privately owned vehicles (cars, trucks, SUVs or motorcycles) in any area assigned to a County-owned vehicle or in other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor.

704.2.8 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a department employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle. The interior of all vehicles will be searched upon the change in users and at the beginning of all work shifts.

704.2.9 NON-CERTIFIED EMPLOYEE USE
Non-certified employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Non-certified employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by the on duty supervisor or incident commander.

704.3 SECURITY
Employees may take home County-owned marked patrol vehicles during their work week and unmarked vehicles with prior approval from their immediate supervisor and shall meet the following criteria:

(a) The employee lives within 25 miles of any border of Weld County. (some exceptions given to on-call employees as approved through the chain of command)

(b) Employees shall start and end their shift in their assigned district, or at briefing as scheduled.

(c) Vehicles shall be locked when not attended.

(d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the appropriate locking device within the vehicle (refer to the Firearms and Qualification Policy regarding safe storage of firearms at home).

When an employee is on vacation, or on leave, the vehicle shall be stored at the sheriff's facility.

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704.3.1 KEYS
All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

704.3.2 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other office members at the discretion of the Sheriff or the authorized designee.

704.4 ENFORCEMENT ACTIONS
When driving an assigned vehicle to and from work outside of the jurisdiction of the Weld County Sheriff's Office, a deputy shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Deputies driving marked vehicles or emergency equipped vehicles shall be armed at all times.

Deputies may render public assistance, e.g. to a stranded motorist, when it is deemed prudent.

704.5 MAINTENANCE

(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicle.

1. Employees may use the county wash or approved private car wash facilities.
2. Cleaning/maintenance supplies will be provided by the Office.

(b) Employees shall make daily inspections of their assigned vehicle for service/ maintenance requirements and damage.

(c) Vehicle program Supervisors shall make, at a minimum, bi-annual inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

(d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the County maintenance shop.

1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash when dropped after hours, otherwise the repair card will be turned into shop personnel.
    (a) An appointment will be made in advance for regular maintenance to ensure expedited return to service.
2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer as coordinated through the maintenance shop.

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704.5.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the assigned vehicle program manager.

704.6 VEHICLE DAMAGE, ABUSE AND MISUSE

(a) When a County-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction over the incident.

(b) When a collision involves a County vehicle or when a member of this office is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, another agency (Colorado State Patrol) should be summoned to handle the investigation.

1. The employee involved in the collision shall provide the appropriate information needed to their direct supervisor for completion of the [CityCounty]'s vehicle collision form.

(c) Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported to a supervisor. Then documented by the employee's immediate supervisor.

(a) An administrative investigation may be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action will result.

704.7 TOLL ROAD ACCESS

The administrative office manager shall maintain a record of all nonexempt license plates and, to prevent toll charges from accruing, shall notify the appropriate toll road authority of the Office vehicles that traverse the toll roads while in the performance of their official duties.

All employees who utilize a toll road in the performance of their duties in a vehicle that is not equipped with an automatic toll pass shall immediately notify their direct supervisor and the office manager of toll road use. Supervisors will forward all toll road usage memos to the administrative office manager immediately upon their receipt. Toll roads should be avoided if an alternative route exists that will not cause undue delay in the performance of one's duties.

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All Hazards Rescue Vehicle

705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and management of the All Hazards Rescue Vehicle.

705.2 DEFINITIONS

Definitions related to this policy include:

All Hazards Rescue Vehicle (AHRV) - an unarmed, high profile, diesel powered, 6x6 motor vehicle with a reinforced body that is capable of traversing terrain that would otherwise be inaccessible to conventional first responder vehicles due to environmental conditions, ground features or incident dynamics.

705.3 POLICY

The AHRV may be utilized when reasonably necessary to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Circumstances for utilization include, but are not limited to:

- Evacuation of citizens during floods, blizzards and other historical weather events.
- Delivery of emergency supplies when public roadways and infrastructure are damaged or affected by an unusual event.
- Rescue of victims from situations with a high likelihood of explosion such as industrial accidents at oil and gas facilities.
- Rescue of victims and first responders from active shooter incidents or locations that pose a danger from small arms fire or explosive devices.
- Protection of first responders during high risk incidents.

705.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the AHRV program. The program coordinator will ensure that the policies and procedures conform to current laws, regulations and policies. Additional responsibilities include:

- Developing the curriculum for the operator training course.
- Ensuring that authorized operators complete required training.
- Documenting the training and operational use of the AHRV. At a minimum the documentation should include the date, times, circumstances, agency case number if available when the vehicle was used, name of personnel operating the vehicle and name of authority granting use.
- Developing and overseeing a protocol that ensures the vehicle is properly maintained and mission ready.
- With authorization from the Sheriff, assisting other agencies by providing a mission ready vehicle with trained operators.

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- Recommending program enhancements.
- Ensuring established policies and protocols are followed.
- Ensuring that statutory requirements including registration, insurance and manner of operation are followed.

705.5 AUTHORIZATION FOR USE

Authorization for the use of the AHRV should be as follows:

- Operational purposes: Authority is generally granted via the Sheriff's Chain of Command unless exigent circumstances exist that make the use of the AHRV necessary and the cycle of approval unduly burdensome. The vehicle shall be operated only by individuals who have completed required training.
- Training purposes: Authority is delegated to the Program Coordinator to authorize the use for training purposes.

705.6 GUIDELINES FOR THE USE OF THE ALL HAZARDS RESCUE VEHICLE

Deputies responding to any call shall proceed with due regard for the safety of all persons and property.

Deputies shall observe all traffic laws.

Only authorized operators who have completed training shall be permitted to operate the AHRV.

The crew of the AHRV should consist, at a minimum, of a trained driver operator and an assistant driver operator who is also trained in the operation of the vehicle.

Ground guides should be utilized when maneuvering the vehicle in confined spaces, when backing up or low visibility conditions, unless the utilization of the ground guide creates an unreasonable risk to any person.

The trained driver operator and the assistant driver operator shall be responsible for inspecting the interior and exterior of the AHRV before and after taking the vehicle into service.

Any previously unreported damage, mechanical problems, unauthorized contents, missing equipment or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

705.7 REQUESTS FOR USE BY OTHER GOVERNMENTAL ENTITIES

A governmental entity may request the use of the AHRV. The request should be made in writing to the Program Coordinator unless exigent circumstances exist.

Approval for the use of the AHRV is granted via the Sheriff's Office Chain of Command unless exigent circumstances exist that make the use of the AHRV necessary and the cycle of approval unduly burdensome. The vehicle shall be operated only by individuals who have completed required training.

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After approval the Program Coordinator will consult with the requesting governmental entity and coordinate the deployment. The AHRV will be deployed with a trained driver operator and an assistant driver operator.

705.8 PARKING AND STORAGE

Unless at a maintenance facility, the AHRV should be parked at an enclosed secure location when not in use.

All sensitive equipment including firearms, ammunition, less lethal munitions, less lethal firearms, chemical agents, chemical agent delivery systems, mechanical breaching tools, and explosive breaching components should be removed from the AHRV prior to delivery to a maintenance facility.

The AHRV should be stored in a “mission ready” status. The trained driver operator and the assistant driver operator are responsible for ensuring the vehicle is fueled, equipped with essential mission gear and resupplied with essential consumables prior to storage.

The AHRV shall be locked or guarded when not attended.

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Personal Protective Equipment

706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory personal protection equipment does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY

The Weld County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges.

706.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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706.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield and leg protection.

706.7 RESPIRATORY PROTECTION

The Administration Captain is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA), and state PPE standards and guidelines.

(i) Ensuring that self-contained breathing apparatus (SCBA) equipment is regularly tested and certified in accordance with all applicable federal standards (CRS § 29-5-114).

706.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes :

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall:

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances .

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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706.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor.

After initial testing, fit testing for respiratory PPE should be repeated:

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.8 RECORDS

The Training Sergeant is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

706.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations .

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices.

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Body Armor

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

707.2 POLICY

It is the policy of the Weld County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

707.3 ISSUANCE OF BODY ARMOR

The Training Sergeant shall ensure that body armor is issued to all Patrol/Courts deputies when the deputy begins service at the Weld County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Quartermaster shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

The Office may issue active shooter kits to first responders. Active shooter kits consist of hard body armor in molle carriers and ballistic helmets with face shields. They are intended to provide the first responder additional lifesaving protection during crisis and riot situations.

The active shooter kits are equipped with a molle system plate carrier, designed to attach no more than the following items.

(a) Rifle magazines secured in a black molle, single or double-stacked carrier (no more than 3 rifle magazines total).

(b) Medical pouch will be black and no larger than 6X6 inches.

(c) No more than 2 door stops.

707.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when a deputy is working in uniform or taking part in Office range training.

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(e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

(f) Any deputy that chooses not to wear body armor, when their duties require such use, is acknowledging that they understand and accept the financial and physical risks of choosing to not wear the provided protective equipment.

707.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

707.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

707.4 ARMORER RESPONSIBILITIES

The Sheriff or his designee should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Office approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates deputies about the safety benefits of wearing body armor.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the Office's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch data
- Public Safety Bulletins

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Office's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (CRS § 13-14.5-108).

801.1.1 WELD EVIDENCE UNIT SECURITY

The Weld County Evidence Unit shall maintain secure storage and control of all property and evidence necessitating custody by the Office. The Evidence Unit reports to the Administration Division Lieutenant who is responsible for the security of the Evidence Unit. Evidence keys and other securities are maintained only by the Evidence Supervisor and Administration Lieutenant and Captain. Evidence Unit keys shall be maintained in a secure manner and not loaned to anyone.

Any individual entering the secured Evidence Storage areas other than authorized Evidence Unit personnel must be accompanied by Evidence Unit personnel or the Administration Division Lieutenant/Captain. Visiting personnel must sign in and out on an entry log sheet, completing all applicable fields. The entry shall be initialed by the accompanying individual.

801.1.2 EVIDENCE UNIT MANAGEMENT RESPONSIBILITIES

The Administration Division Lieutenant is responsible for the management of the Evidence Unit. The Administration Division Lieutenant should designate a specific Evidence Supervisor to assist with documenting, classifying, storing, tracking and disposing of evidence, found property, and items for safekeeping received or managed by the Evidence Unit.

801.2 DEFINITIONS

Definitions related to this policy include:

Chain of Custody – The chronological documentation or paper trail showing the collection, custody, control, transfer, analysis, and disposition of evidence whether physical or electronic.

Controlling Deputy – The Deputy who originally submitted the property or evidence item(s) to the Evidence Unit, **OR** the Deputy assigned to oversee the criminal case and/or investigation to which the item(s) relate.

Records of Investigation - are records, that are evidentiary in nature, of the investigations conducted by any sheriff, prosecuting attorney, or police department, any records of the intelligence information or security procedures of any sheriff, prosecuting attorney, or police department, or any investigatory files compiled for any other law enforcement purpose (CRS § 24-72-204 (2)(a)(I).

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

EMS - Evidence Management System

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Found Property - Includes property item(s) found by an employee or citizen where the owner cannot be readily identified or contacted, or the reasonable and practical transfer of property cannot be facilitated, and has no apparent evidentiary value and is not known or suspected to be connected to any crime. Reference includes Weld County Code, Chapter 2, Article VIII Disposition of Recovered Property.

RMS - Records Management System

Safekeeping - Includes **non-evidentiary** property item(s) that has come into Office custody for temporary protection by or on behalf of the lawful owner. The following are types of safekeeping property:

- Property obtained by the Office for safekeeping (as allowed by policy)
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Reference includes Weld County Code, Chapter 2, Article VIII Disposition of Recovered Property.

801.3 PROPERTY AND EVIDENCE HANDLING

Any employee who first comes into possession of any property or evidence shall retain such items in his/her possession until it is properly documented and placed in the designated evidence locker or storage room, along with the evidence/property label. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for submission to the Evidence Unit. Such returns shall be appropriately documented by the Deputy.

801.3.1 PROPERTY AND EVIDENCE BOOKING PROCEDURE

All evidence must be booked prior to the employee going off-duty. Employees booking property and evidence shall observe the following guidelines:

(a) Complete the property and evidence entry label in the Evidence Management System (EMS), describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The submitting deputy shall note the appropriate review date on the entry in EMS, reflecting the type of property submitted (30 days out for Found or Safekeeping, 18 months for misdemeanor evidence, 36 months for felony evidence).

(c) The submitting deputy shall place all items in appropriate packaging, seal the packaging, and initial/date/badge number the item's seal as consistent with the WCSO Evidence Packaging Manual.

(d) Complete an evidence/property label and attach it to the packaging in which the property is stored, ensuring each item has the appropriate case number listed and supplemental report sequence number associated in the RMS or EMS.

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(e) Items that are inconsistent with standard packaging containers shall be tagged, labeled and submitted with deference given to the integrity of the item's evidentiary value.

(f) At time of submission, when applicable, deputies shall submit the Request for Laboratory Examination (RFLE) and associated cover letter electronically through Forensic Advantage and provide a printed or e-mailed copy with the associated item. (email to evidence@weldgov.com)

(g) All property and evidence submitted to Evidence in the EMS shall be documented in the associated case report or supplemental in the RMS for reference.

(h) When the property or evidence is too large to be placed in a temporary evidence locker, the submitting deputy should coordinate the item(s) submission with Evidence Unit personnel, in compliance with direction from the WCSO Evidence Packaging Manual.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property and evidence record. Drug and narcotics paraphernalia shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall weigh all items prior to submission with another certified deputy present as a witness. The submitting deputy and witness deputy shall document their actions per the property and evidence booking procedure and WCSO Evidence Packaging Manual.

801.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Sergeant. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives and known combustible devices such as VAPE Pens will not be accepted into the Evidence Unit facility. Only fireworks that are considered stable and safe, "exploding targets" available at retailers that maintain a factory seal,and road flares or similar signaling devices may be booked into the Evidence Unit. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Unit personnel are responsible for coordinating the transfer to an appropriate agency that is equipped to safely dispose of such materials, on a regular basis, or any such items that are not retained as evidence.

801.3.4 EXCEPTIONAL HANDLING

Certain property and evidence items require a separate process as identified in the WCSO Evidence Packaging Manual. The following items shall be processed in the described manner:

(a) Items wet with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(b) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination. Any evidence collected which may contain DNA, should be properly labeled as such.

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(c) License plates found not to be stolen or connected with a known crime should be released directly to the registered owner of said license plate, returned to the Department of Motor Vehicles, or in the event of unsuccessful attempts of return, submitted as safekeeping.

(d) Vehicles without evidentiary value will not be accepted by the Evidence Unit. Vehicles that contain items of evidentiary value associated within or on the vehicle may be temporarily stored in a secured bay in the Evidence Unit, pending the execution of a search warrant and/or processing by Field Evidence Technicians or Lab Personnel. In such cases the vehicle itself is not considered evidence. After processing the vehicles for evidence that may be contained in or on the vehicle, coordinated efforts will be made with the controlling deputy for proper storage and/or release to the owner.

1. If the vehicle itself is determined to be maintained as a custodial evidence item by the controlling deputy, the storage location will be determined by the Evidence Unit once it has been submitted for physical custody and documented in the EMS. All property and evidence shall be removed and submitted appropriately (evidence/found/safekeeping) by the controlling deputy prior to long-term storage.
2. Due to the operational and logistical constraints of vehicle storage, if the relevant parts or portions of the vehicle with evidentiary value can be submitted without submitting the entire vehicle, the controlling deputy shall make a reasonable attempt to do so:
    (a) If the evidence is specific to a bumper, quarter panel, head rest, seat, carpet or upholstery, etc - AND it can be separated from the vehicle without compromising the integrity of the evidence - such items should be removed, packaged, and submitted into Evidence and the vehicle stored or released as appropriate for a non-evidentiary item.
    (b) Prior to taking such actions, the deputy shall consult with his/her supervisor and appropriate chain of command.
3. If the vehicle needs to be moved to another location for storage, the controlling deputy shall assist with securing and monitoring the tow and transport.
4. Reasonable efforts should be made to preserve the vehicle as evidence with a defensible chain of custody.

(e) All bicycles and bicycle frames require a property record in the EMS. Property tags will be securely attached to each bicycle or bicycle frame. Bicycles with no evidentiary value should be released directly to the registered owner of the bicycle, or in the event of unsuccessful attempts of return by the controlling deputy, submitted as found property or safekeeping property in the EMS.

(f) All cash shall be counted in the presence of another deputy and the envelope initialed by both deputies. A currency counter with the ability to capture serial numbers in a PDF format is available for evidentiary purposes.

(g) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.

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(h) Submission of items that are believed to contain child pornography shall be affixed with the appropriate sticker.

(i) County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 EXCEPTIONAL HANDLING OF TRIAL EVIDENCE

The property and evidence technician shall allow defense attorneys and their authorized associates to view and inspect evidence held in connection with certain criminal cases as soon as practicable after a request, but no later than 35 days before trial (CRS § 16-9-801).

The property and evidence technician shall be present at any evidence viewing or handling by representatives of the prosecution or defense to document the chain of custody and maintain the integrity of the evidence. If the documentation includes recording the session, the property and evidence technician or the authorized designee shall notify the prosecuting authority of the recording's existence (CRS § 16-9-801). No member may activate a body-worn camera or Mobile Audio/Video (MAV) system to capture, view, or record the session (CRS § 24-31-902).

801.4 PACKAGING OF PROPERTY AND EVIDENCE

Packaging will conform to certain procedures as outlined in the WCSO Evidence Packaging Manual. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances

(b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)

(c) Currency and counterfeit currency

(d) Jewelry

(e) Property with more than one known owner

(f) Drug paraphernalia

(g) Fireworks and other combustible materials

(h) Contraband

(i) Biohazards

801.4.1 PACKAGING CONTAINER

Employees shall package all property and evidence in a suitable container that is appropriate for its size as outlined in the WCSO Evidence Packaging Manual. Knife boxes or sharps tubes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

An individual property label shall be securely attached to the outside of all items or group of items packaged together.

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801.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing narcotics and dangerous drugs shall retain such evidence in his/her possession until it is properly weighed, packaged, labeled and submitted. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the deputy's report.

The weighing, field testing and entering into evidence of any controlled substance shall be witnessed by a deputy or supervisor in addition to the submitting deputy. The witness signature must be included with the evidence entry.

(a) All narcotics and dangerous drugs shall be submitted separately from paraphernalia. Controlled substances shall not be packaged with other property.

(b) The submitting deputy should weigh the suspected narcotics or dangerous drugs in the container in which it was seized.

(c) The weight of the submitted evidence shall be noted by a scale printout and the printout initialed by the submitting and witnessing deputies in compliance with the Weld Evidence Packaging Manual.

A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label.

A completed evidence label shall be attached to the outside of the packaging. The chain of custody shall be recorded through the EMS.

801.4.3 RIGHT OF REFUSAL

The Evidence Unit personnel have the right to refuse any piece of property or evidence that is hazardous or that has not been properly documented or packaged. Should the Evidence Unit personnel refuse an item of property, they shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting deputy through the RMS or EMS to address the deficiency.

The submitting deputy shall correct the packaging or submission issue as soon as practical. Unreasonable delays by the submitting deputy to correct the issue(s) will be brought to his or her supervisor.

801.5 RECORDING OF PROPERTY AND EVIDENCE

Evidence Unit personnel receiving custody of evidence or property shall utilize a standard property control process for each piece of property received as provided in the RMS or EMS to document the chain of custody.

The chain of custody shall be maintained and documented, including a unique item number created for each piece of property received. The chain of custody shall record, by item number (as applicable), the date received, case number, tag number, item description, item location and date disposed.

Any changes in the location of property held by the Weld County Sheriff's Office shall be noted in the EMS to identify proper chain of custody records.

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801.6 PROPERTY CONTROL

Each time Evidence Unit personnel receives or releases property/evidence to another person, they shall enter this information in the EMS as provided.Deputies desiring evidence for court shall contact the Evidence Unit personnel at least one business day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the EMS shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving the appropriate authorization from a controlling deputy and/or District Attorney's Office if required.

If a deputy has a request for analysis of items, subsequent to initial submission, they shall submit the RFLE and associated cover letter electronically through Forensic Advantage and provide a printed or emailed copy with the associated item to the Evidence Unit (email to evidence@weldgov.com).

801.6.2 EVIDENCE RELAY FROM SUBSTATIONS

Deputies who submit evidence to the authorized substations and secured evidence drop-off locations shall conform to standard submission practices, documentation and packaging.

Submitting deputies who request an RFLE for an item or items, should consider submitting at the main Evidence Unit facility to limit delays for the transfer to the regional lab.

Authorized personnel transferring evidence items from the substations and secure evidence drop-off locations shall conform to standard transfer practices, ensuring each individual item receives an appropriate entry on the RMS or EMS as provided, to maintain the chain of custody. To avoid delays in processing evidence items, the evidence relay should be conducted once per calendar week.

801.6.3 TRANSFER OF EVIDENCE TO CRIME LABORATORY

When releasing evidence for forensic analysis to the crime laboratory, Evidence Unit personnel will release the evidence out of the Evidence Unit, indicating the location change and required information in the EMS. Accompanying forms and the request for laboratory analysis (RFLE) will be provided to the lab at the time of submission.

Upon delivering the evidence to the lab, the transporting employee will receive a submission receipt from the lab to document chain of custody. The lab submission receipt shall be submitted to Weld County Records for filing with the case.

801.6.4 TEMPORARY STATUS CHANGE OF PROPERTY AND EVIDENCE

Temporary release of property to deputies for investigative purposes, or for court, shall be noted in the EMS, stating the date, time and to whom it was released.

Evidence Unit personnel shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to Weld County Evidence or released to another authorized person or entity. If

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the property is not to be returned to the Evidence Unit, Evidence Unit personnel must be notified to document the chain of custody in the EMS as a final release.

The return of the property should be recorded in the EMS, indicating date, time and the person who returned it.

801.6.5 AUTHORITY TO RELEASE PROPERTY AND EVIDENCE

Evidence Unit personnel property and evidence techniciansshall not release any property or evidence without authorization from an appropriate authorized member of the Sheriff's Office. The controlling deputy (and/or District Attorney's Office as required), shall authorize the disposition or release of all evidence and property coming into the care and custody of the Sheriff's Office when the items are not required for the prosecution of a criminal case.

For property in custody of the Sheriff's Office for investigatory or prosecutorial purposes and owned by a victim or witness, evidence personnel shall, upon the request of the owner, with authorization from the controlling deputy and/or prosecuting attorney:

(a) Provide a list describing the property, unless such release would seriously impede an investigation.

(b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the authorization of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

801.6.6 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence no longer needed for an investigation or prosecution. Per Weld County Code 2-8-60 (a1) "Reasonable notice shall consist of written notice sent by certified mail to the last known address of the presumed owner."

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence (CRS 24-4.1-302.5(1)(k)). Following a request from the victim, property no longer needed for evidence shall be returned to the victim within five working days unless the property is contraband or subject to forfeiture proceedings (CRS § 24-4.1-303(7)).

Release of property shall be made upon receipt of an authorized release notification. The release authorization shall be signed by the authorizing controlling deputy (or District Attorney representative) and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days, or longer in compliance with Weld County Code. During such period, the Evidence Unit shall attempt to contact the rightful owner by certified mail when sufficient identifying information is available. Per Weld County Code 2-8-60 (2), the property may be disposed of in twenty (20) days if the property is not claimed.

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The Evidence Unit shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. The owner or finder shall also be required to pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded in the RMS or EMS.

Property with potential resale value and not held for any other purpose and not claimed within 20 days after notification (or 30 days after submission if notification is not feasible for found or safekeeping property, 180 days for evidence authorized for release and abandoned) may be auctioned to the hightest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed or converted as allowed.

Property with no assessed value, or which potential valued would be nullified by the effort and expense to auction it, may at the discretion of the Evidence Unit be donated or destroyed.

The final disposition of all such property shall be fully documented in the item's chain of custody history. Upon release or other form of disposal, the proper entry shall be recorded in the RMS or EMS.

Proceeds from the auction of unclaimed property shall be deposited into the County General Fund.

801.6.7 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this office shall be restored to the legal owner at the authorization of the controlling deputy. Pursuant to CRS § 13-25-130 (1), "any photographic, video tape, or film record, when satisfactorily identified and authenticated, is as admissible into evidence as the property itself." Such property may be released from law enforcement custody when the following is satisfied (CRS § 13-25-130(3)):

(a) Photographs of the property are filed and retained by the Weld County Evidence.

(b) Satisfactory proof of ownership is shown by the owner.

(c) A declaration of legal ownership is signed under penalty of perjury.

(d) If a defendant has been filed upon, he/she has been notified that such photographs, video tapes or films have been taken, recorded or produced.

(e) A receipt for the property is obtained from the owner upon delivery.

801.6.8 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Office may be asked to file an interpleader in court to resolve the disputed claim.

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801.6.9 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until a background check has been completed and it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon. (18 USC § 922 (d); CRS § 13-14-105.5; CRS § 18-1-1001; CRS § 18-6-801)

801.6.10 DISTRICT ATTORNEY AND DEFENSE COUNSEL EVIDENCE VIEWING

The WCSO is responsible for ensuring the security and integrity of all evidence stored at the evidence facility. The WCSO has adopted property and evidence policies and guidelines which include procedures used to adhere to industry standards related to evidence, and to ensure that reasonable steps have been taken to obtain a secure and efficient property and evidence management system. Importantly, the policies also provide protection of the chain of custody.

SCHEDULING - A minimum of 72 hours advance notice is required (or longer if the case involves voluminous items of evidence) for evidence viewings. All appointments to view items in evidence shall be scheduled during normal business hours and only when sufficient personnel are available to conduct the viewing (minimum of two WCSO employees).

Defense Attorneys or their Investigators who want to view evidence shall contact the controlling deputy handling the case and make arrangements for viewing the evidence. The controlling deputy is responsible for contacting the Evidence Unit to set a date and time for the viewing.

The alloted time for evidence viewings will not exceed two hours. To ensure the most effective use of this time, requestors should provide a list of specific items to be viewed or a priority of items to be viewed. If necessary, multiple or extended viewings may be pre-arranged as personnel are available.

Any viewing can be terminated at the discretion of the controlling deputy or Evidence Unit personnel for violations of procedure, unprofessional conduct or for any unforeseen law enforcement emergency.

GENERAL PROCEDURES:

(a) All parties shall wear appropriate Personal Protective Equipment if deemed necessary by WCSO personnel.

(b) Viewing are conducted in the presence of the controlling deputy or sworn designee.

    1. WCSO personnel are prohibited from disclosing anything overheard or observed during the viewing that carries established Attorney-Client Privilege to the case being viewed.

    2. The exceptions to this disclosure include the need to report administrative or criminal violation by the viewing parties that could result in termination of the viewing.

    3. The controlling deputy or sworn personnel present at the viewing shall only document their presence at the viewing as appropriate in the RMS.

(c) Evidence should only be handled by WCSO personnel.

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1. Viewing parties may not touch or manipulate evidence items removed from packaging.
2. In appropriate circumstances and when authorized by Evidence Unit personnel, and when such manipulation does not compromise the integrity of the packaging or evidence item, minimal handling of packaged evidence items may be permitted.
3. Appropriate and reasonable requests for WCSO personnel to position the evidence items for viewing and/or photography will be accommodated.

(d) At no time shall WCSO personnel leave evidence unattended during the viewing by others.

(e) Only sworn deputies are authorized to open evidence.

(f) Only one item of evidence shall be opened and viewed at one time.

(g) Any items that are fragile, whose evidentiary value may be destroyed, lost or otherwise compromised or any item that could be hazardous (i.e. biohazard, chemicals/drugs, SANE kits, control kits, etc.) will not be opened or manipulated.

(h) As a reasonable security measure, the evidence viewing room at the Evidence Facility is video monitored. No audio is recorded.

1. Due to the presence of CCTV footage, the activation of a deputy's Body Worn Camera is not authorized.
2. The WCSO does not intend to review the recording, and deputies do not have access to the video recording room.
3. The exceptions to this would be the need to report administrative or criminal violations by the viewing parties that could result in the termination of the viewing.

(i) A court order or written authorization from the District Attorney's Office will be required to view cell phones or other items that have not yet been sent to CBI or other laboratory for testing.

EVIDENCE UNIT PERSONNEL PROCEDURES:

(a) When the attorney/investigator (or his/her designee) arrives, the Evidence Unit personnel will verify that person's identification and make a photocopy of the identification which is retained in the record.

(b) The Evidence Unit personnel will note in the property records that the items are being viewed. The evidence will be placed in the viewing room.

(c) The Evidence Unit personnel will be available to assist the controlling deputy if necessary, with viewing supplies or evidence handling.

(d) At the conclusion of the viewing and at the discretion of the controlling deputy present, the Evidence Unit personnel will assist, if needed, in repackaging evidence with the controlling deputy.

(e) The Evidence Unit personnel will return the evidence to the proper storage location and document appropriate notes in the evidence software for chain of custody purposes.

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(f) Evidence Unit personnel will provide notice that a recording was made to the prosecuting attorney.

DEPUTY/DETECTIVE PROCEDURES:

(a) Only the controlling deputy may open evidence for the item to be examined or photographed.

(b) Deputies should carefully scrutinize inappropriate or unreasonable requests for handling or manipulating evidence. If a request is deemed questionable, the controlling deputy should decline the request until consultation with the District Attorney's Office can be made.

(c) When handling evidence subject to cross-contamination or other loss, a clean pair of rubber/latex gloves shall be worn by each participant prior to each item being opened, and a clean piece of butcher paper shall be placed under each item before it is opened and viewed.

(d) Scissors or other implements used to open any item shall be wiped clean with alcohol (or other cleaning fluid/wipes) prior to opening any such item, if subject to cross contamination.

(e) After each item is viewed, it shall be re-sealed in or with its original packaging.

CONFIDENTIAL VIEWINGS:

Viewings requested without a controlling deputy present, are not consistent with Evidence best practices and contrary to WCSO Policy. If a confidential viewing is sought, the requesting party shall make a written motion to the court and provide notice to the Sheriff's Office legal counsel, providing the opportunity for the WCSO to respond and advocate for Evidence best practices and appropriate jurisdiction. If a court orders a confidential viewing, it will be conducted as follows:

(a) It will be conducted at the Weld County Evidence Facility.

(b) The controlling deputy or another sworn deputy must be present at the Evidence Unit and is responsible for opening any evidence being viewed. If the assigned controlling deputy is prohibited from the viewing room, the controlling deputy may open the evidence immediately outside the viewing room. Evidence Unit personnel will take the evidence into the viewing room and remain in the viewing room with the evidence to maintain the chain of custody.

(c) The defense counsel or investigator may not touch open evidence. If evidence needs to be moved or turned over, Evidence Unit personnel shall move the evidence. As described in the general procedures, certain evidence still may not be touched at any time, however, certain evidence, with approval of Evidence Unit personnel in consultation with the sworn representative, may be touched while remaining inside the packaging.

(d) The cameras in the evidence viewing room will remain on. These cameras do not have audio capabilities and will not be viewed by anyone unless Evidence Unit personnel believes a policy has been violated.

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(e) The controlling deputy or sworn personnel present at the viewing shall document only their presence at the confidential viewing in the RMS system without disclosing specific details. The Evidence Unit personnel and controlling deputy will not disclose anything overheard or observed during the viewing, unless there is a policy violation.

801.7 DISPOSITION OF PROPERTY

All property no longer held for evidence in a pending criminal investigation or proceeding and held for 180 days or longer where the owner has not been located or fails to claim the property, may be sold at a public auction in compliance with existing laws, upon receipt of proper authorization for disposal by an authorizing deputy or District Attorney's Office.

Property with potential resale value and not held for any other purpose and not claimed within 20 days after notification (or 30 days after submission if notification is not feasible for found or safekeeping property, 180 days for evidence authorized for release but abandoned) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed or converted as allowed.

Property with no assessed value, or which potential value would be nullified by the effort and expense to auction it, may, at the discretion of the Evidence Unit, be donated or destroyed.

The final disposition of all such property shall be fully documented in the item's chain of custody history. Upon release or other form of disposal, the proper entry shall be recorded in the RMS or EMS.

Abandoned motor vehicles impounded by the Office may be sold at a public or private sale following notice pursuant to CRS § 42-4-1805.

Proceeds from the sale of unclaimed property shall be deposited into the County General Fund.

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances, and firearms in compliance with Weld County Code 2-8-60 (7)
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court (refer to Animal Control for current practices)
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices

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- Incendiary devices or unstable and/or combustible materials

801.7.2 UNCLAIMED MONEY
If found money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property (CRS § 38-13-201).

801.7.3 CONVERSION OF PROPERTY TO AGENCY USE
In compliance with Weld County Code 2-8-60, unclaimed or abandoned property may be converted to agency use "to carry out normal duties and responsibilities" of the Office. A Unit or individual may submit a memo to the Sheriff via the chain of command requesting the specific item to be converted and the specific purpose and duration of its use. Upon support and approval of the Sheriff, final approval rests with the Weld County Board of Commissioners.

801.7.4 ADMINISTRATIVELY CLOSED DISPOSITION
In the event a property or evidence item(s) cannot be physically accounted for and cannot be reconciled to another physical location through the chain of custody, the item may be Administratively Closed, as a noted disposition in the item's individual chain of custody record.

An item may be Administratively Closed only after the matter has been referred to Professional Standards for review and recommendation of a course of action and all due diligence has been exhausted to locate the item. The status of Administratively Closed shall only be approved by the Sheriff, in writing, and this authorization attached to the RMS or EMS as the final disposition for chain of custody. The Evidence Unit shall provide written notice to the controlling deputy, the owner, and the District Attorney's Office (as applicable) of the item(s) status and final disposition.

801.8 RETENTION OF BIOLOGICAL EVIDENCE

Evidence Unit personnel shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law, or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the applicable prosecutor's office.

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801.8.1 SUFFICIENT SAMPLE PRESERVATION

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104 (2)).

If DNA evidence is of such a size, bulk or physical characteristic as to render retention impracticable, the submitting or controlling deputy shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

801.8.2 RECORDS RETENTION AND PRESERVATION

The Evidence Unit shall maintain a DNA item for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

(a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1003 (1)).

(b) Except as provided by law (CRS § 18-1-1105; CRS § 18-1-1106; CRS § 18-1-1107), the Office shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102 (1) and CRS § 18-1-1103 (2).

(c) A court may order the Office to preserve existing biological evidence for DNA testing at the request of a defendant (CRS § 18-1-414 (2)).

Records of evidence will be retained and preserved by the Weld County Evidence Unit in a manner outlined by the 19th Judicial District Attorney's Office.

801.8.3 EXPUNGEMENT OF DNA EVIDENCE

A person may qualify for expungement and destruction of DNA evidence. This Office will destroy DNA evidence after a written notice of expungement is received from the Colorado Bureau of Investigation (CRS § 16-23-105).

801.8.4 DISPOSITION OF DNA EVIDENCE

In cases described in state law (CRS § 18-1-1102(1)(c); CRS § 18-1-1102(1)(d)), the Office may seek to dispose of DNA evidence by providing notice to the District Attorney who prosecuted the charges (CRS § 18-1-1105(2)).

If the District Attorney determines that the DNA evidence should not be disposed of, the District Attorney will provide notice. Upon receipt of the notice, the Office shall preserve the DNA evidence until such time that a court order is obtained to dispose of the DNA evidence (CRS § 18-1-1105(4)).

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If the Office does not receive notice from the District Attorney within a reasonable amount of time, the Office may file a motion with the court that entered the conviction in the case, asking for a court order to dispose of the DNA evidence.

The Office may not request permission to dispose of DNA evidence in cases described in state law (CRS § 18-1-1102(1)(a); CRS § 18-1-1102(1)(b); CRS § 18-1-1105(1)).

801.8.5 DISPOSITION OF VICTIM DNA EVIDENCE
If DNA evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the DNA evidence may be returned. If the District Attorney determines the DNA evidence may be returned, the District Attorney may file a petition with the court for the return of the DNA evidence. Upon proper receipt, the Office will release DNA evidence belonging to the victim (CRS § 18-1-1107).

801.9 ABANDONED MONEY

Currency and other intangible property considered abandoned in the possession of the Evidence Unit shall be transferred to the Weld County Treasurer's Office in compliance with Weld County Code (2-8-30(B); 2-8-90) and documented in the RMS or EMS.

801.10 INSPECTIONS OF THE PROPERTY AND EVIDENCE UNIT

On a monthly basis, the Administration Lieutenant shall inspect the property and evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of property and evidence storage areas shall be conducted at least annually, as directed by the Administration Captain.

(b) A 100% inventory should be completed over the course of each calendar year, to be conducted in sections or groups broken up by month. This inventory shall be completed by Evidence Unit Personnel and documented appropriately.

(c) An annual audit of high value property and evidence (guns, money, and drugs) held by the Office shall be conducted by a Division Lieutenant who is not routinely or directly connected with property and evidence control, as assigned by the Administration Captain.

    1. This audit should include at least 10% of each high value group and 1% of all other items.

(d) At the discretion of the Sheriff, whenever a change is made in personnel who have unaccompanied access to the secured storage of the Evidence Unit, an inventory of all evidence/property shall be made by the Evidence Unit, accompanied by an individual not associated with the Evidence Unit to ensure that records are correct, and all evidence and property is reconciled.

    1. Prior to the transition of a new Sheriff, a full inventory shall be made and documented for accountability purposes.

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801.11 ANNUAL REPORTING

The date and results of all inspections and audits shall be documented and forwarded to the Sheriff through the chain of command.

Additionally, the Evidence Unit Supervisor shall be responsible to submit an annual report by March 1st of each year to the Administration Lieutenant, providing the following information:

(a) Census of Property and Evidence in custody of the Office, by type and in total, for each of the previous three years, January 1 through December 31.

(b) Statistics of the number of property and evidence items submitted by the Office, by type and in total, for each of the previous three years, January 1 through December 31

(c) Statistics of the number of property and evidence items released, converted, auctions, and destroyed by the Office, by type and in total, for each of the previous three years, January 1 through December 31.

(d) Reporting of any revenue collected by auction for each of the previous three years, January 1 through December 31.

801.11.1 ANNUAL REVIEW

The Evidence Unit Supervisor will review this policy and any referenced manuals annually, revising and updating each as necessary to maintain best practices and compliance with applicable laws.

The Evidence Unit Supervisor will also review appropriate staffing and space levels for the current and projected census of property and evidence items, reporting any deficiencies with support and recommendations in the Annual Report to the Administration Lieutenant.

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Weld County Records Procedures

802.1 PURPOSE AND SCOPE

The Records Manager shall keep the office records continuously updated. Policies and procedures that apply to all employees of this office are contained in this chapter.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Weld County Records personnel.

Reports are numbered commencing with the last two digits of the current year followed by the letter "W" to identify the report as a Sheriff's Office incident and then a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 11W0001 would be the first new case beginning January 1, 2011.

802.1.2 PRIVACY POLICY

The Records Manager is responsible for the development and maintenance of, a policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to CRS § 24-72-502.

802.1.3 DEFINITIONS

Records of Official Action - include records of an arrest; indictment; charging by information; disposition; pretrial or post trial release from custody; judicial determination of mental or physical condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence (CRS § 24-72-302(7)).

802.2 FILE ACCESS

All records of official action including, but not limited to, records of arrest, the deputy's report (initial, supplemental, and follow-up), miscellaneous documents,including but not limited to, tow sheets, photo logs, crime scene logs, citations, written statements, etc. and all other reports related to a case shall be maintained in a secure area within the Weld County Records if not otherwise stored electronically in the Records Management System (RMS), accessible only to authorized Weld County Records personnel. Access to report files by authorized users through the RMS shall be available 24 hours a day.

802.3 REQUESTS FOR REPORTS

Requests for reports, received by any member of the office, from any other governmental agencies, the public, or any other entity shall be routed to the appropriate Custodian or Records or the authorized designee, in compliance with the WCSO Records Release policy 803:

(a) The authorized designee will retrieve the report, prepare, redact the report as needed, and route the report to the Records Supervisor or Records Manager for quality assurance. Once the Records Supervisor or Records Manager approves the report for release, the authorized designee will release the report and document the dissemination.

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802.4 RECORDS MANAGER TRAINING

The Records Managerand supervisor(s) shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

802.5 REPORTING

The Records Manager shall ensure that data required to be collected by CRS § 24-33.5-412, including offense and arrest information separated by summons, custody and on-view, is submitted to the Colorado Division of Criminal Justice for each calendar year by March 31 of the following year (CRS § 24-33.5-518).

(a) The Records Manager or designee shall be responsible for the submission of NIBRS, Office Involved Shooting (OIS) reporting, School Resource Office (SRO), and other reports as required.

802.6 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit include, but are not limited to:

(a) Maintaining a Records Management System for case reports.

1. The Records Management System should include a process for numbering, identifying, tracking and retrieving case reports.

(b) Entering case report information into the RMS.

1. Modification of case reports shall only be made when authorized in compliance with written post orders.

(c) Providing members of the Office with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state and local regulations regarding reporting requirements of crime statistics.

(e) Maintaining compliance with federal, state and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and/or supplemental information or attachments and notifying the responsible deputy or Office member.

1. The responsible deputy shall address the issue as soon as practical.

2. Unreasonable delays by the responsible deputy or Office member to correct the issue shall be brought to the attention of his or her supervisor.

802.7 ANNUAL REVIEW

The Records Unit Manager will review this policy and any referenced manuals annually, revising and updating each as necessary to maintain best practices and compliance with applicable laws.

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Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance, access and release of office records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Weld County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA) (CRS § 24-72-200.1 et seq.; CRS § 24-72-301 et seq.). The Weld County Sheriff's Office is a criminal justice agency as defined by 24-72-302(3).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate two (2) Custodian of Records. One Custodian, designated as the Administrative Support Manager, will be responsible for the maintenance, access and release of Administration, Training and North Jail Complex records. The other Custodian, designated as the Records Unit Manger, will be responsible for the maintenance, access and release of Law Enforcement Patrol records. The responsibilities of the Custodian(s) of Records include but are not limited to the following (See CRS § 24-72-203; CRS § 24-72-304)

(a) Managing the records management system for the Office, including the retention, archiving, release, and destruction of office records.

(b) Maintaining and updating the office records retention schedule including:

1. Identifying the minimum length of time the Office must keep records.

2. Identifying the office division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of office records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees as allowed by law is available (CRS § 24-72-205; CRS § 24-72-306).

(g) Preparing and making available a published or posted written policy that specifies the applicable conditions concerning the research and retrieval of public records, including any fees that may be assessed for research and retrieval (CRS § 24-72-205).

803.4 PROCESSING REQUESTS FOR RECORDS

Any office member who receives a request for any record shall route the request to the appropriate Custodian of Records or the authorized designee.

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803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The request must be submitted in writing. It may be submitted electronically, by facsimile or in hard copy.

(b) The Office is not required to create records that do not exist.

(c) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(d) The payment of any authorized fees for personnel time in the amounts published in the Weld County Code and required for the copying or mailing of the records requested must be received before release as authorized by CRS § 24-72-306.

(e) Records related to final official actions shall, and all other records may, be made available for inspection at reasonable times except as otherwise provided by law (CRS § 24-72-303; CRS § 24-72-304).

(f) If the records requested are related to an official action and are in active use, in storage, or otherwise not readily available, the Custodian of Records shall notify the requester of the status. This notice shall be in writing if requested by the requester. If requested, the Custodian of Records shall set a date and hour, within three working days, at which the records will be available to the requester (CRS § 24-72-303):

1. If the Office does not have the records related to an arrest, the Custodian of Records shall include in the notice, in detail to the best of his/her knowledge and belief, the agency which has custody or control of the requested record.

(g) For all other records requested (i.e., not related to an official action) that are not in the custody or control of the Office, the Custodian of Records shall notify the requester of the status. The notice shall be in writing if requested by the requester. The notice shall include the reason for the absence of the records from the Office's custody or control, their location, and what person has custody or control of the records (CRS § 24-72-304).

1. If the Custodian of Records has knowledge that the records requested are in the custody and control of the central repository for criminal justice records, the request shall be forwarded to the central repository.

(h) If the Custodian of Records denies access to a record and the applicant has requested a written statement of the grounds for the denial, the Custodian of Records shall prepare the written statement and provide it to the applicant within 72 hours, citing to the law or regulation under which access is denied or the general nature of the interest to be protected by the denial (CRS § 24-72-305).

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(i) Records related to completed internal investigations (including any appeals) into the alleged misconduct of an in-uniform or on-duty deputy, when involving a member of the public, shall be made available for inspection as required by CRS § 24-72-303.

803.4.2 IDENTIFICATION

Under both CORA and the CCJRA, government agencies are allowed to adopt reasonable procedures for release of records in compliance with the act. (See 24-72-203(1)(a) and Citizens Progressive Alliance v. Southwestern Water Conservation Dist. 97 P.3d 308 (2004)). Procedures may include requesting identification.

(a) CORA. For release of records under CORA (non-criminal justice records) identification may be requested from a person pursing the release of any record (written, video, or audio) but is not a mandatory requirement for the release of these records to the public.

(b) CCJRA. Most records released by WCSO are considered criminal justice records. Under CRS Section 24-72-305.5, the CCJRA requires additional procedures related to protecting the public interest including a written and notarized statement affirming that the record will not be used for pecuniary gain.

1. "Affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true. (See 24-21-502).

2. The custodian of records will provide a sheet for the statement and free notarization services at the time of request. Proper notarization requires presenting a government issued form of identification. If the requester prefers or cannot provide a government issued identification to the custodian of record, the requestor may take the form to an independent notary and return the fully notarized form to the custodian of records before release of records.

3. A false statement regarding use for pecuniary gain may result in a criminal misdemeanor charge and fine to the individual.

(c) Refusal or inability to provide identification for either CORA or CCJRA records may result in additional information being redacted than otherwise necessary due to the inability of the Custodian of Records to effectively evaluate what information the person is entitled to receive. Criminal justice records will not be released without a properly notarized statement.

(d) In the rare circumstance where an individual cannot appear at the records office or reach an independent notary due to a medical condition, the custodian will attempt to assist the requester to find a reasonable accommodation in meeting this requirement.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include but are not limited to:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any office record, including traffic accident reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required

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by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Victim information that may be protected by statutes (CRS § 24-4.1-303; CRS § 24-72-304).

(c) Juvenile-related information that may be protected by statutes (CRS § 19-1-304).

(d) Certain types of reports involving, but not limited to, child abuse or neglect (CRS § 19-1-307) and at-risk adult abuse (CRS § 26-3.1-102).

(e) The name and any other identifying information of a child victim or child witness except as permitted by CRS § 24-72-304.

1. When notified by a court that the name of a child victim or child witness has been disclosed during a court proceeding, or when requested by a child victim, child witness, or the child's legal guardian, the record and file containing the record should be marked with the notation "CHILD VICTIM" or "CHILD WITNESS" (CRS § 24-72-304).

(f) Records that contain the notation "SEXUAL ASSAULT" shall have identifying information deleted as required by CRS § 24-72-304.

(g) Records that contain information concerning an application for victim's compensation (CRS § 24-4.1-107.5).

(h) Information received, made, or kept by the Safe2Tell® program (CRS § 24-31-607).

(i) Records of the investigations conducted by the Office, records of the intelligence information or security procedures of the Office, or any investigatory files compiled for any other law enforcement purpose (CRS § 24-72-305).

(j) The result of chemical biological substance testing (CRS § 24-72-305).

(k) The address of an individual who has requested and been approved for address confidentiality (CRS § 24-30-2108).

(l) Personnel records, medical records, and similar records which would involve personal privacy.

(m) Information regarding the immigration status of any victim who is requesting certification for a U visa or T visa, or any documents submitted for U visa or T visa certification and any written responses to a certification request except where allowed by law (CRS § 24-4.1-404).

(n) Any other record subject to inspection where such inspection would be or is (CRS § 24-72-305):

1. Contrary to any state statute.

2. Prohibited by rules promulgated by the state supreme court or by order of any court.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a

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subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

803.8 EXPUNGEMENT OR SEALED RECORDS

Expungement orders or orders to seal criminal records received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is expunged or sealed, members shall respond to any inquiry as though the record did not exist (CRS § 24-72-702; CRS § 24-72-703).

803.8.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY

If the Sheriff determines that a person was arrested based on mistaken identity and no charges were filed following the arrest, the Custodian of Records shall file a petition for an order to expunge any arrest or criminal records resulting from the mistaken identity. The petition must be filed no later than 90 days after the investigation into the arrest, in the judicial district where the arrest occured (CRS § 24-72-701.5)

803.8.2 EXPUNGEMENT OF CERTAIN JUVENILE RECORDS WITHOUT COURT ORDER

The Custodian of Records shall acknowledge receipt of a notice issued by the district attorney or other diversion provider that a juvenile has successfully completed a prefiling diversion. Upon receipt of the notice, the Custodian of Records shall treat the records as expunged within 35 days and without need of a court order (CRS § 19-1-306).

803.9 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO ALLEGED MISCONDUCT

Unedited video and audio recordings related to an incident where a peace officer, civilian, or nonprofit organization has made a complaint of deputy misconduct shall be released upon a proper public record request within 21 days of the request (CRS § 24-31-902).

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The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received.

803.9.1 DELAY OF RELEASE

Disclosure of recordings related to alleged misconduct during active criminal or administrative investigations may be delayed up to 45 days from the date the Office knew or reasonably should have known about the incident if disclosure would substantially interfere with or jeopardize the investigation. The Sheriff or the authorized designee should work as appropriate with the prosecuting attorney so that the prosecuting attorney may produce the required notice (CRS § 24-31-902).

803.9.2 RELEASE OF AUDIO OR VIDEO RECORDINGS DEPICTING A DEATH

Upon request, the Custodian of Records shall release unedited video and audio recordings depicting a death to the victim's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative, and inform the requesting party of the requesting party's right to receive and review the recording at least 72 hours prior to public release (CRS § 24-31-902).

The records custodian shall require identification from the person requesting the unedited video and audio recording depicting death prior to release to ensure compliance with statute regarding relationship to the victim.

803.9.3 RESTRICTIONS RELATED TO PRIVACY

If the Custodian of Records, in consultation with the Sheriff or the authorized designee, determines that specific portions of a recording may raise substantial privacy concerns for a person depicted in the recording, the Office should use technology to blur portions of a recording made available for release.

If blurring is insufficient to protect the substantial privacy interest of a person, the Custodian of Records should, within 20 days of receipt of the complaint of alleged misconduct (CRS § 24-31-902):

(a) Provide a copy of the recording upon request to the victim or the victim’s next of kin.

(b) Inform the person whose privacy interest is implicated of the right to waive the interest in writing and allow release of the unedited recording.

(c) In such cases, unblurred footage shall not be released without the written authorization of the victim or the victim’s next of kin (CRS § 24-31-902).

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Protected Information

804.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of criminal offender records, security of those records and persons authorized to release those records.

804.2 DEFINITIONS

Definitions related to this policy include:

Criminal History Records Information (CHRI) - Information collected by Colorado criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments or other formal criminal charges, and any disposition, including acquittal, sentencing, correctional supervision or release.

804.3 RELEASE OF CHRI

The Records Manager and/or Records Unit is responsible for releasing CHRI of this Office as provided in the Records Maintenance and Release and the Weld County Records Procedures Policies.

If a record requested is in the custody or control of another agency, the Records Manager will notify the requestor of this fact and in writing if requested. The notification shall identify to the best of the Records Manager's knowledge and belief, the agency which has custody or control of the record in question.

804.4 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law or the policies and orders of both the county juvenile board and the designated juvenile court regarding the release of juvenile offender records.

Absent a court order, juvenile records and information may only be inspected or disclosed to the public under circumstances provided by law. For example, CRS § 19-1-304(1)(b.5) may require disclosure of some records when the juvenile has been charged with or is subject to a revocation of probation for committing the crime of possession of a handgun, a class 1, 2, 3 or 4 felony, or an offense involving a weapon. However, even then the information that can be released may be limited to the following:

(a) Physical description of the accused

(b) Information reporting the arrest and filing of charges

(c) Date and place of the arrest and filing of charges

(d) Name, gender, date of birth and last known address of the accused

(e) Nature of the charges

(f) Disposition of the charges

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804.5 CHALLENGE TO CRIMINAL OFFENDER RECORD

Any person has the right to challenge the accuracy and completeness of records pertaining to him/her and to request that said records be corrected. Any such requests shall be forwarded to the Records Manager.

Upon receipt of a request to correct the record, the Records Manager will evaluate the request as follows (CRS § 24-72-307):

(a) The Records Manager will review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.

(b) In the event that the Records Manager requires additional time to evaluate the merit of the request for correction, the Records Manager shall notify the applicant in writing.

    1. The Records Manager shall then have 30 days from the date of receipt of the request for correction to evaluate the request and to make a determination of whether to grant or refuse the request, in whole or in part.

    2. The Records Manager will communicate that decision to the applicant in writing.

(c) If the Records Manager refuses to make the requested correction and the person requests a written statement of the grounds for the refusal, the Records Manager shall promptly provide such a written statement.

(d) If the Records Manager decides to make the correction, the Records Manager will ensure the change is made in the records of the Weld County Sheriff's Office and communicate the correction to the Colorado Bureau of Investigation.

804.6 PROTECTION OF CHRI

The Records Manager is responsible for setting any necessary internal records procedures to protect confidential National Crime Information Center (NCIC) or Colorado Crime Information Center (CCIC) information, including any policies related to the following:

(a) Where and how such records may be stored

(b) Access to such records

(c) Computer terminal security

(d) Destruction of such records

804.7 PENALTIES FOR MISUSE OF RECORDS

Employees may obtain, or attempt to obtain, records or information from the Office files only in accordance with their official duties.

Criminal history record information may not be used in any unauthorized manner, for any unauthorized purpose or disclosed to any person who is not entitled to the information.

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Computers and Digital Evidence

805.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Deputies should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with the case number, evidence number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items into Weld County Evidence. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, deputies should document the following in related reports:

1. Where the computer was located and whether it was in operation
2. Who was using it at the time

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3. Who claimed ownership

4. If it can be determined, how it was being used

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and necessary for examination of the associated media.

805.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Until properly secured, networked computers can be accessed remotely to alter critical hard drive data. Therefore, cases involving networks require specialized handling. Deputies should contact a certified forensic computer examiner as soon as practicable for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence. The forensic copy of the image of the hard drive shall be marked and maintained as primary evidence.

805.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, disks or any other storage media is required, forward the following items to a computer forensic examiner:

(a) A copy of reports involving the computer, including the evidence/property sheet

(b) A copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation or other legal authority for examination

(c) A list of the items to search for (e.g., photographs, financial records, e-mail, documents)

(d) A forensic copy of the media will be made; subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

805.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

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(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Weld County Evidence to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

805.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCD), such as cellular phones, Personal Data Assistants (PDA) or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

(a) Deputies should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be wrapped in no less than six sheets of heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

805.5 DIGITAL EVIDENCE RECORDED BY DEPUTIES

Deputies handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence.

805.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

805.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

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(a) The recording media (e.g., smart card, compact flash card or any other media) shall be utilized for the submission process into the digital evidence server.

(b) Deputies are only authorized to review the data stored on the device that was used to record the data. Copying data from memory cards is prohibited unless a backup version of the data is required to be copied to a CD or DVD (i.e., sex assaults, homicide, death investigation) Evidence technician

(c) As soon as reasonably possible following the collection of evidence, the camera operator should remove the memory card from his/her digital camera or power the camera off to ensure that the evidence is not mistakenly deleted or lost. Evidence should be submitted as soon as practical.

(d) Evidence technicians will verify that the images are properly transferred to the storage media.

(e) Deputies requiring a copy of the digital files must document the reason for keeping said copies and maintain them through a proper chain of custody.

805.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

805.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is related to case documentation and held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers (ACO) and Weld County Sheriff's Office personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

806.1.1 TRAINING

ACOs shall successfully complete the required basic and continuing education animal control courses as approved by the Office or required by local or state authorities.

806.2 ANIMAL CONTROL OFFICER RESPONSIBILITIES

ACOs shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal problems as outlined in this policy. Specifically the ACO is assigned the tasks necessary for the day-to-day responsibilities including, but not limited to, those identified under the Colorado Animal Protection Act (CRS § 35-42-101, et seq.).

ACOs shall be under the operational control of the Patrol Division. The assigned working hours will be scheduled by the Support Unit Sergeant. During hours when an ACO is on-duty, requests for animal control services shall be assigned by Dispatch or the Shift Sergeant.

Requests for assistance by an ACO shall be acknowledged and responded to promptly.

It is the policy of the Weld County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 DEPUTY RESPONSIBILITIES

During hours when no ACO is on-duty, or if an ACO is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty deputy.

Deputies may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of an ACO. The following are examples of when a deputy may consider acting before the arrival of an ACO:

(a) When there is a threat to public safety

(b) When an animal has bitten someone, deputies should take measures to confine the animal and prevent further injury

(c) When an animal is creating a traffic hazard

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal

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(e) When an animal is gravely injured

806.3.1 ANIMAL CRUELTY COMPLAINTS
An ACO or deputy shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow up. ACOs and Deputies shall not hesitate to take any immediate actions deemed necessary to prevent the perpetration of any act of cruelty to animals in his/her presence and may use such force as is necessary to prevent the crime. CRS § 18-9-202 et seq.

806.3.2 STRAY ANIMALS
If an animal has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the animal should be released to the owner and a citation may be issued if appropriate. If an animal is taken into custody, it shall be transported to the animal shelter or other appropriate facility, making sure the animal has food, water and bedding.

The animal pickup form must be completely filled out and routed appropriately. Release of impounded animals requires a fee be paid. Releases will be handled by the Human Society.

Once an animal has been taken into custody, all releases should be handled by the animal shelter.

806.3.3 ANIMAL BITES TO HUMANS
ACO Officers and Deputies shall obtain as much information as possible about the bite incident before forwarding to the ACO unit for follow-up. ACO Officers and Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until the animal can be assessed by an ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

If a biting dog has been killed in order to prevent further injury or death, the local board of health shall be notified of the facts related to the bite and the killing, and the body of the dog shall be held for release to the board of health (6 CCR 1009-1:1).

806.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Deputies shall obtain and forward to an ACO as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of the problem. Deputies will also document any actions taken, citation issued and related report numbers.

In the event responding deputies cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, an ACO may be called. If an ACO is unavailable, the patrol supervisor may request that an ACO be called in or may request the assistance of an animal control officer from an outside agency.

806.4 DECEASED ANIMALS
Deceased animals on public property will be removed and properly disposed of by an ACO. Deputies will remove deceased animals when an ACO is not on-duty.

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(a) For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag, when possible, prior to placing them in an ACO truck.

(b) Neither an ACO nor any deputy will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If it is after normal business hours, the animal should be taken to an authorized veterinary emergency services clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

(d) When it is necessary to dispatch a seriously injured or dangerous animal, the Firearms Policy shall be followed.

1. An ACO or a deputy may euthanize an animal when, in his/her judgment and in the opinion of a licensed veterinarian, the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by the written certificate of two persons called to view the animal (CRS § 35-42-110).
2. Injured wildlife may be euthanized whenever the ACO or deputy determines that no other reasonable action would be practical, humane or effective for the rehabilitation of the wildlife (2 CCR 406-14:1405).

(e) Injured or deceased wildlife should be referred to the appropriate agency as listed by the Colorado Division of Wildlife.

(f) When handling dead or injured animals, Office employees shall attempt to identify and notify the owner of the final disposition of the animal.

(g) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If an ACO is off-duty, the information will be forwarded for follow-up.

806.6 ENFORCEMENT

An ACO of this office may issue citations or summonses and complaints enforcing any local or state law concerning the control of pet animals (CRS § 30-15-105).

It should be at the discretion of the handling deputy or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

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806.7 POST-ARREST PROCEDURES

Employees should take reasonable efforts to ensure that animals or pets in an arrestee's care will be provided with proper care. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals. Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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Jeanne Clery Campus Safety Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this office fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act).

807.2 POLICY

The Weld County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Weld County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Weld County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Weld County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Sheriff shall:

(a) Ensure that the Weld County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate with local law enforcement agencies to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Weld County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Weld County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such

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disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

(g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092 (f)(1)(K); 20 USC § 1092(f)(1)(L)).

807.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining Weld County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter

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8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic violence, and stalking
11. Hazing

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46 (c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Weld County Sheriff's Office (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

(h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

807.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

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(a) The daily crime log will record all crimes reported to the Weld County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Office.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's office or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the AdministrationCaptain to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:
    (a) Procedures victims should follow.

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(b) Procedures for protecting the confidentiality of victims and other necessary parties.

5. Policies and incident prevention and awareness programs concerning hazing, including:
   (a) Procedures for reporting incidents.
   (b) Procedures for investigating incidents.
   (c) Information on applicable local, state, and tribal laws on hazing.
   (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

(d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

807.5.1 INTERNAL INFORMATION DISSEMINATION

This office may provide information, including police reports, regarding any incident within its jurisdiction to (CRS § 23-5-141):

(a) The director, or director's designee, of any campus program or unit with administrative responsibility for victim assistance, mental health services, university housing, student discipline processes or student affairs.

(b) A campus behavioral intervention task force.

When providing information regarding a sexual assault or attempted sexual assault, the victim's name and identifying information shall be redacted unless the victim agrees otherwise, in writing, with respect to each administrator or task force that will be given the information.

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CJIS Access, Maintenance, and Security

808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of office systems that access Criminal Justice Information.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within office systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

808.2 POLICY

It is the policy of the Weld County Sheriff's Office to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

808.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Weld County Sheriff's Office's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the office's use, maintenance, and security of systems that access CJI as described in this policy.

808.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain office compliance with FBI CJIS Security Policy requirements and the Colorado Bureau of Investigation (CBI).

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or office requirements, including:

1. Maintaining a list of organizations and personnel approved by the Sheriff to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Monitoring office systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(e) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of office facilities
2. Physical security of hardware within office facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(f) Implementing and carrying out the office Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the office's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Office (see the Records Maintenance and Release Policy for additional guidance).
4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(h) Developing and updating office information security and privacy literacy training and incident response training as required by policy.

(i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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(j) Managing the development, documentation, and dissemination of procedures for the following:

1. Awareness and training
2. Incident response
3. Audit and accountability
4. Access control
5. Identification and authentication
6. Configuration management
7. Media protection
8. Physical and environmental protection
9. System and communications protection
10. System and information integrity
11. Maintenance
12. Security and privacy planning
13. Contingency planning
14. Risk assessment

(k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Sheriff.

808.4 MEMBER RESPONSIBILITIES

All members of the Office shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

808.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

808.6 MEMBER ACCOUNTS

Office accounts used to access CJI shall only be created upon approval of the Sheriff or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

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(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

808.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned office tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

808.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the office mission and law enforcement needs.

808.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on office systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

808.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from office control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the

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data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

808.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of office CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

808.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

808.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The office's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

808.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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Chapter 9 - Custody

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Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Weld County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 POLICY

It is the policy of this office that all custody searches should be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of persons subject to any search.

900.2 DEFINITIONS

Definitions related to this policy include:

Body cavity search - An inspection of any body cavity, including the stomach, anal or vaginal cavity, of a person that is conducted visually, manually or in any other manner. For purposes of this policy, a body cavity search does not include a search of a person's mouth (CRS § 16-3-405(5)).

Booking search - A search of an arrested person and the arrested person's personal property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Search - A thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband or evidence that might be destroyed. A search does not require the removal or arrangement of some or all of a person's undergarments or clothing directly covering the person's genitalia, buttocks, anus or female breasts.

Strip search - A search that requires a person to remove or arrange some or all of his/her clothing to permit a visual inspection of the genitals, buttocks, anus or female breasts of such person (CRS § 16-3-405(2)).

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any office vehicle.

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Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

900.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Weld County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

900.4.1 PROPERTY

Immediately upon securing weapons, deputies bringing detainees into any Sheriff's Office building shall thoroughly search their detainees.

All detainees brought into the facility shall be searched by a deputy or other correctional officer before the deputy or correctional officer bringing in the detainee relinquishes control. When a detainee has been handcuffed, the detainee should remain handcuffed until the search is substantially completed.

In the case of female detainees, all searches shall be conducted by a female deputy or corrections officer. Should a female detainee become combative, a deputy of either gender may be assigned to restrain her. The appropriate search may be completed when additional female deputies or corrections officers are available to assist in the search.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The office member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.4.3 VERIFICATION OF DETAINEE'S MONEY

All money belonging to the detainee and retained by a deputy shall be counted in front of the detainee or in the presence of a witness deputy. Additionally, all money should be placed in a separate envelope and sealed for submission into evidence. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All evidence submissions should clearly indicate the contents on the evidence form or in the evidence system.

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900.5 STRIP SEARCHES

A strip is conducted after custody has been transferred in booking at the North Jail Complex when in accordance with North Jail Complex procedures.

No individual in temporary custody at any Weld County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on office members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Weld County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

(a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

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(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) A copy of the written authorization should be retained and made available upon request to the detainee or the detainee's authorized representative.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrantor approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician or nurse may conduct a physical body cavity search (CRS § 16-3-405(5)).

(c) All such searches will be conducted at a medical facility.

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(d) Except for the physician or nurse conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary office members needed to maintain the safety and security of the medical personnel shall be present.

(e) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(f) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any office members present.
8. Any contraband or weapons discovered by the search.

(g) A copy of the written authorization shall be retained and should be made available to the individual who was searched or other authorized representative upon request.

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Transporting Persons in Custody

901.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Weld County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

901.2 POLICY

It is the policy of the Weld County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

901.3 PATROL CAPTAIN RESPONSIBILITIES

The Patrol Captain should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

901.4 DEPUTY RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Deputies transporting a person in custody should:

(a) Search all areas of the vehicle accessible to a person in custody before and after each transport.

(b) Immediately search persons in custody after arrest, when receiving the person from the custody of another deputy, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.

1. Whenever practicable, a search should be conducted by a deputy of the same gender as the person being searched. If a deputy of the same gender is not reasonably available, a witnessing deputy should be present during the search.

(c) Provide Dispatch with any required notifications (e.g., start time, mileage, end time).

(d) Properly secure all property.

(e) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio Video and Body-Worn Camera policies for additional guidance).

(f) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

(g) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.

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(h) Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:

1. Individuals in auxiliary restraints.
2. Individuals in leg restraints.
3. Individuals wearing a spit hood.
4. Individuals who are a suspected suicide risk.

(i) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.

(j) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):

1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

901.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, deputies:

(a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.

1. Juveniles and adults shall not be transported together.
2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
3. Persons of different genders should not be transported together.

(b) If segregating individuals is not possible, transporting deputies should be alert to inappropriate physical or verbal contact and take appropriate action.

901.6 TRANSPORT VANS

A deputy trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

A deputy should assist persons getting into and out of the transport van to avoid falls.

901.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting deputy should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting deputy should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the deputy.

Deputies transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

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901.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, deputies should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Deputies shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Shift Sergeant.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

901.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by deputies. EMS personnel should be called to handle transportation.

901.10 CIVIL COMMITMENT TRANSPORTS

When transporting any individual for civil commitment, the transporting deputy should request that Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of a deputy during the transport, Shift Sergeant approval is required before transport commences.

See the Civil Commitments Policy for additional guidance.

901.10.1 STATE REQUIREMENTS

Prior to transporting an individual for a behavioral health crisis hold pursuant to CRS § 27-65-107, deputies should provide written notice of the individual's rights during transportation and treatment (CCR 502-1:11.13).

The duration of the transportation should not exceed 6 hours (CCR 502-1:11.13).

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901.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, deputies should not interrupt a transport to provide emergency assistance without supervisory approval. Deputies encountering an emergency should notify Dispatch and request an appropriate response.

901.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting deputies may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

901.13 PROHIBITIONS

When transporting a person in custody, deputies should not:

(a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).

(b) Handcuff a person to any part of a vehicle.

(c) Leave the vehicle unattended with the person in custody in the vehicle.

(d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.

(e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than office personnel or receiving agency personnel.

(f) Stop to conduct any personal activities.

(g) Engage in a pursuit.

901.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting deputy should immediately advise Dispatch and other units of the escape, provide a description of the escapee, notify the Shift Sergeant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Sergeant should notify the Sheriff or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Weld County Sheriff's Office, the Shift Sergeant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

901.15 DOCUMENTATION

If a person is injured during transportation, deputies should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

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901.16 NOTIFICATIONS

Deputies should notify a supervisor and any receiving facility of information regarding any circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

901.17 TRAINING

The Training Sergeant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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Chapter 10 - Personnel

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GRATUITIES

1000.1 PURPOSE AND SCOPE

The agency concern is whether accepting a gratuity violates the public trust. The determination of whether a gratuity is acceptable, or not, must meet a three-prong analysis consisting of how a reasonable person would perceive the intent of the giver, the employee's reasonable belief of the reason behind the gift, and the circumstances surrounding the gift. The defining difference is whether the gift is given in appreciation, or as a spontaneous act of kindness, versus getting special consideration, exerting influence, or having been solicited by the recipient.

1000.2 DEFINITIONS

Gratuity - any discount, gift, or benefit one receives by virtue of their profession.

1000.3 PROCEDURE

1. Employees shall not accept any gift, or other item, that is prohibited by the Colorado Constitution, Colorado Revised Statutes, or reasonably appears to be given for the purpose of obtaining special consideration or exerting influence. Examples of prohibited gift/gratuity situations:

(a) Receiving any thing of monetary value that would, to a reasonable person, appear to have been accepted with the belief that the giver's intent is to obtain special consideration or exert influence.

(b) Discounted or free beverages, snacks, or meals offered, by a business, while the employee is on duty, or while the employee is off duty and known by the proprietor to be an employee.

1. The prohibition exists even if the discounted or free item is a company, or corporate, policy, because these types of discounts are not typically advertised to the public and are not spontaneous or random, in nature.

(c) Soliciting any form of gratuity, whether on, or off, duty.

(d) Using or attempting to use their official position for personal gain.

(e) Soliciting any personal notoriety and/or award, for services rendered incident to their position, or duty, as an employee of the agency.

2. Employees receiving prohibited gifts or gratuities are required to report and document such items to their immediate supervisor.

(a) The supervisor will document the nature of the gift, the attendant circumstances, and the disposition of the gift as an incident in Blue Team.

1000.4 UNSOLICITED ITEMS PROCEDURE

1. Employees may accept the following unsolicited items, unless it would appear, to a reasonable person, that the item was offered with the intent to influence the employee's official actions, or in response to a special consideration.

(a) Items that are placed in a common area, where they are shared with coworkers

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(b) Tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item.

1. An award, with a monetary component, that honors or recognizes an employee is acceptable if; the nomination was made without the employee's knowledge, other similarly situated employees were eligible for the award, and there is no evidence that the award is based upon the employee's governmental status.

(c) Nominal purchases (<$25.00) made for an individual employee, either anonymously, or by a community member, as a spontaneous and random token of appreciation (e.g., a cup of coffee, a snack, a meal, or a beverage).

(d) Gifts motivated by a family or personal relationship, and not due to the recipient's status as a law enforcement officer.

(e) Discounts on services or items that are publicly advertised to all law enforcement officers or first responders by a company or corporation.

1000.5 REFERENCES

Colorado Constitution Article XXIX, Section 3

Colorado Revised Statute § 24-18-104

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Anti-Retaliation

1001.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1001.2 POLICY

The Weld County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1001.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1001.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1001.4.1 WHISTLEBLOWING

Colorado law protects public employees who (CRS § 8-3.3-103; CRS § 29-33-104):

(a) Discuss or express personal views regarding representation and workplace issues, subject to the restrictions in CRS § 8-3.3-101 et seq., if applicable.

(b) Engage in protected, concerted activity for their mutual aid or protection.

(c) Participate in the political process while off-duty and not in uniform including:

1. Speaking with members of the [city/county]'s governing body on terms and conditions of employment, or any other matter of public concern.

2. Engaging in other political activities in the same manner as other citizens of Colorado.

(d) Organize, join, or assist an employee organization or refrain from the same.

Members who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation in accordance with the Personnel Complaints Policy. The Internal Affairs Unit should complete the investigation within 180 days of receiving the complaint (CRS § 24-31-906).

1001.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

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(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1001.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any in appropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1001.7 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1001.8 TRAINING

The policy shall be reviewed with each new member (CRS § 24-31-906).

All members shall receive periodic refresher training on the requirements of this policy (CRS § 24-31-906).

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Communicable Diseases

1002.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1002.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Weld County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1002.2 POLICY

The Weld County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1002.3 EXPOSURE CONTROL OFFICER

The Sheriff will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them.

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Providing baseline testing for members who are exposed to known or possible sources of hepatitis C during the course and within the scope of employment (CRS § 8-42-101).

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2. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
3. Reporting cases of known or suspected tuberculosis to the Colorado Department of Public Health and Environment (CRS § 25-4-502; 6 CCR 1009-1:4).

The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1002.4 EXPOSURE PREVENTION AND MITIGATION

1002.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or office vehicles, as applicable.

(b) Wearing office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

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1002.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1002.5 POST EXPOSURE

1002.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

1002.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury and Death Reporting and Illness and Injury Prevention policies).

1002.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

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(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1002.5.4 COUNSELING
The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1002.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Working with the Colorado Department of Public Health and Environment or local health officers through their authority to investigate and control communicable diseases (CRS § 25-1.5-102; CRS § 25-4-506; CRS § 25-4-408; CRS § 25-4-412; CRS § 25-4-413).

(c) Obtaining a court order for exposures related to assault offenses (CRS § 16-3-303.8).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

1002.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law).

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1002.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

(a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

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(b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Seat Belts

1003.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in office vehicles.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1003.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - A specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system that meets Federal Motor Vehicle Safety Standards and Regulations set forth in 49 CFR 571 (CRS § 42-4-236).

Safety belt system - A system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, and that conforms to Federal Motor Vehicle Safety Standards and Regulations (CRS § 42-4-237(1)(b)).

1003.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this office while on- or off-duty or when in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1003.2.1 TRANSPORTING CHILDREN

An approved child restraint system should be used for all children younger than 8 years of age (CRS § 42-4-236(2)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance that requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, deputies should consider arranging alternative transportation.

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1003.3 INOPERABLE SEAT BELTS

No Office vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belt system, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1003.4 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

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Fitness for Duty

1004.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Office and the community. The purpose of this policy is to ensure that all employees of this office remain fit for duty and able to perform their job functions.

1004.2 POLICY

The Weld County Sheriff's Office strives to provide a safe and productive work environment and ensure that all members of this office can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Office may require a professional evaluation of a member's physical and/or mental capabilities to determine the member's ability to perform essential functions.

1004.3 DEFINITIONS

Invalid evaluation -- A finding indicating the employee may not have cooperated with the evaluation, has not been truthful, or has shown malingering or other response manipulation on psychological tests causing test findings to be inconsistent or invalid.

No psychological diagnosis -- The results of the evaluation do not suggest that the employee is unfit for duty as a result of a mental disorder or mental health diagnosis.

Required Review Incidents--First responders to, or an active participant in, a line of duty death or serious injury of a colleague, an event where personal safety is unusually jeopardized or any significant event capable of causing considerable emotional distress to those who are exposed to it.

Unfit for duty -- A finding that the employee is unfit for duty and unlikely to become fit in the foreseeable future, with or without treatment.

Unfit but treatable -- A finding that the employee is currently unfit but appears amenable to treatment that will restore fitness in a reasonable amount of time. These findings mean employee leave time is considered as sick leave and no longer as administrative leave from that time the finding is made.

Treatment Practitioner: A practitioner selected by the employee that provides treatment to the employee for a condition.

Examining Practitioner: A practitioner appointed by the Sheriff or Human Resources that determines if an employee is fit for duty. At the discretion of the Sheriff, the examining practitioner may also be the treatment practitioner.

Safety-Sensitive Job Assignment--Any job assignment with essential duties that require the employee be armed, have custody of another person, supervise prisoners, operate an emergency motor vehicle, provide security to the Court or transport prisoners. This also includes employees

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who control the dispatch or movement of employees performing these essential duties. Safety-Sensitive Jobs include the following:

- Undersheriff
- Captain
- Lieutenant
- Sergeant
- Corporal
- Deputy
- Master Control Operator
- Reserve Deputy

Cause—objective facts and rational inferences drawn from those facts that would cause a reasonably prudent supervisor to conclude an employee may be a risk to public or workplace safety because of psychological fitness. Examples of behaviors that may be considered for cause may include, but are not limited to, threats of violence, impaired concentration, abusive behavior of co-workers, prisoners or the public, emotional responses disproportionate with stimuli, angry outbursts, paranoia, anxiety, or unexplained changes in behavior.

1004.4 MEMBER RESPONSIBILITIES

It shall be the responsibility of each member of this office to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of the position.

During working hours, all members are required to be alert, attentive, and capable of performing their assigned responsibilities.

Members who feel unable to perform their duties shall promptly notify a supervisor. In the event that a member believes that another office member is unable to perform the member's duties, such observations shall be promptly reported to a supervisor.

1004.4.1 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day period (24-hour period)
- 30 hours in any two-day period (48-hour period)
- 84 hours in any seven-day period (168-hour period)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

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Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime, and any other work assignments.

1004.5 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a member may be unable to safely perform the member's duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

(a) An abrupt and negative change in the member's normal behavior.

(b) A pattern of irrational conduct, hostility, or oppositional behavior.

(c) Personal expressions of instability.

(d) Inappropriate use of alcohol or other substances, including prescribed medication.

(e) A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.

(f) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

1004.5.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform the member's duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document the supervisor's observations and actions in a written report and inform the member's Lieutenant or Captain.

1004.5.2 DUTY STATUS

If exigent circumstances exist, the supervisor may place the employee on paid administrative leave.The supervisor shall determine if an application for a seventy-two-hour hold as provided in 27-65-106 is necessary.

Absent exigent circumstances, in conjunction with the Lieutenant or the member's Captain, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of the member's job, the member should be returned to duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of the member's job, the supervisor

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the member's Lieutenant or Captain should immediately relieve the member of duty and placed on paid administrative leave pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Sheriff or Undersheriff shall be promptly notified in the event that any member is relieved of duty.

1004.6 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered by the Sheriff or Undersheriff whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

A fit for duty may also be ordered when a required review incident has occurred.

1004.6.1 PROCESS

The Sheriff or Undersheriff, in cooperation with the Department of Human Resources, may order the member to undergo a fitness-for-duty evaluation.

Paid administrative leave may be used while the member undergoes a fit-for-duty evaluation.

Approved requests are forwarded to the IA sergeant. The IA sergeant or designee contacts the member and provides instructions about scheduling and where to go.

The examining practitioner will provide the Office with a report indicating whether the member is fit for duty. If the member is not fit for duty, the examining practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Office will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner or the treatment practitioner shall be stored in a secure confidential file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Employees not fit for duty may be required to undergo treatment from a qualified treatment practitioner at their own expense. At the completion of the treatment, the employee may be required to submit all reports and evaluations from the treatment practitioner to the examining practitioner to determine if the employee is fit for duty.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Department of Human Resources.

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1004.6.2 PSYCHOLOGICAL EXAMINATIONS

The Sheriff's Office is committed to providing a safe working environment and to protect the health and safety of staff, visitors, prisoners and the public. Personal and work-related trauma, injuries, and other significant events can occur that may result in psychological problems that could compromise public and workplace safety. Employees in safety-sensitive job assignments may be assessed to establish the employee's psychological fitness for duty, when reasonably necessary, to ensure public and workplace safety.

Referral to peer-support, or the agency psychologist, for voluntary counseling is not considered criteria for placing an employee on administrative leave, nor does it require that a psychological fit for duty assessment be initiated.

1004.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the County Code.

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Lactation Breaks

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1005.2 POLICY

It is the policy of the Weld County Sheriff's Office to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child for up to two years after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; CRS § 8-13.5-101; CRS § 8-13.5-104).

1005.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Members desiring to take a lactation break shall notify the [dispatcher] or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1005.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; CRS § 8-13.5-104).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1005.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

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Payroll Record Procedures

1006.1 PURPOSE AND SCOPE

Payroll records are submitted to Human Resources on a monthly basis for the payment of wages.

1006.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

- Specific time reporting requirements may be imposed for employees depending upon their assignment.
- The time logged for the scheduled shift will be logged with the time reporting code of "Regular"in the payroll software
    - Deputies are allotted an additional.25 hours on their scheduled work days for vehicle pre-operational checks, equipment maintenance and preparation.
    - If the hours worked are spent working a special duty, training, or overtime, the associated department task needs to be selected.
- Employees may be required to leave comments in the payroll management system that explain their absence from work.
- The time logged for any absence or tardiness during any scheduled shift (including volunteer or assigned shifts beyond the employees's regularly scheduled days) will be logged with the time reporting code related to the corresponding benefit time.

1006.1.2 TIME REQUIREMENTS

All employees are paid on a bi-monthly basis as scheduled by Weld County Human Resources. Payroll records shall be completed as required by Weld County Human Resources and Weld County Code..

1006.2 DEFINITIONS

Scheduled shift - Any time that an employee is scheduled in advance to be at work.

Absence - Failure to work a scheduled shift, whole or in-part.

Excused absence - A scheduled or unscheduled absence that is properly documented for a valid reason, and can be accounted for through the use of benefit time or administrative leave as outlined by Weld County Code.

Unexcused absence - A period of time an employee misses work without a valid reason, proper notification, proper documentation, or availability of benefit time.

1006.3 ACCOUNTING FOR TIME EARNED

Employees are required to accurately account for all time earned in the payroll management system.

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Employees are required to accurately account for all absences, whole or partial, for all scheduled shifts in the payroll management system. Benefit time must be used when an employee has an absence from any scheduled shift. Benefit time must be used as outlined in Weld County Code.

Supervisors are responsible for approving or denying accounted time in the payroll management system.

Supervisors shall request documentation when an employee requests to use any kind of leave without the proper amount of associated benefit time. This documentation will be used to verify the need for the absence and legitimize the employees accounted time in the payroll management system.

1006.4 OVERTIME

Because of the nature of law enforcement work, and the specific needs of the Office, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt employees are not authorized to volunteer work time to the Office. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

1006.4.1 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. The supervisor approving the overtime must log their approval on the employee's time sheet.

1006.4.2 CALL-IN TIME

Deputies are occasionally required to appear on their off-duty time, due to a call-in situation (staffing shortage, facility-wide shakedown, etc.). In these situations, the employee will be compensated accordingly.

All employees will receive a minimum of 2-hours credited time for all call-in appearances that occur outside of the employee's regularly scheduled work time.

If the call-in appearance does not exceed two hours, the employee logs two hours of call-in time on their time sheet.
The 2-hour minimum applies only if the employee has left their residence and is enroute to the jail.
If the call-in appearance extends longer than two hours, the employee logs the actual time worked.

1006.4.3 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON TIMESHEET
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour

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31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1006.4.4 VARIATION IN TIME REPORTED

Where three or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the three, the Shift Sergeant or other approving supervisor may require each employee to include the reason for the variation on their time sheet.

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On-Duty Injuries

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths, the circumstances of the incident and to ensure proper medical attention is received by the employee. (Refer to Accident & Injury Reporting policy)

1007.2 INJURY NOT REQUIRING MEDICAL ATTENTION

Injuries and illnesses not requiring medical attention are still required to be recorded on a Supervisor's Report of Injury Form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1007.3 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, the losses for which the employee, the County and/or other insurers are entitled to recover civilly. To ensure that the County's interests are protected and that the employee has the benefit of the County's experience in these matters, the following procedure is to be followed.

1007.3.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable.

1007.3.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Sheriff or his designee with written notice of the proposed terms of such settlement.

In no case shall the employee accept a settlement without first giving such written notice to the Sheriff. The purpose of the notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the County's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

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PEER SUPPORT TEAM

1008.1 PURPOSE AND SCOPE

The Sheriff’s Office employs over 400 full and part time employees. With an ever growing population, the office and its staff encounter an ever increasing number of critical incidents that may affect employees psychologically and emotionally. Deputies have traditionally supported each other when experiencing emotional difficulties or troubling stressors, however, there has been no structure or outreach defined by policy.

The Peer Support Team (PST) will provide support to personnel experiencing personal and/or work related stress and also during and following critical incidents while on or off duty. In addition, the PST provides peer support for personnel and their families who experience stresses generated by the role of law enforcement in today’s society. The Peer Support Team also assists the department licensed mental health professional as needed.

The Peer Support Team and the PST Clinical Supervisor (department licensed mental health professional) will assist the Professional Standards Unit in providing pre-incident training for all Sheriff's Department sworn personnel. This pre-incident training will address the Officer Involved Shooting Protocol and associated potential responses to Office Involved shootings and other critical incidents at a minimum.

1008.2 DEFINITIONS

Critical Incident: An incident that has the potential to cause significant physical or mental injury or to overwhelm the individual's capacity to manage the emotional impact.

Examples of critical incidents may include but are not limited to:

(a) Shootings involving serious bodily injury or death.

(b) Unusual catastrophic incidents such as an airplane crash, school bus crash, a fire, flood or tornado that causes loss of personal property, serious bodily injury or death.

(c) Vehicular crashes that involve serious bodily injury or death.

(d) Employee hostage situations.

(e) Significant suicide attempts.

(f) In custody deaths.

(g) Assault on an employee.

(h) Death of a fellow or former employee.

(i) Deputy involved shootings.

Note: After many critical incidents, staff members may be placed on paid/unpaid administrative leave pending the results of an internal/criminal investigation or court proceedings. Peer Support Team members are still authorized to communicate with individuals during these time periods.

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The Peer Support Team Coordinator should be notified before any of these meetings take place. If a meeting would potentially hurt the image or mission of the Sheriff's Office, it should be brought under the advisement of the Sheriff before the meeting takes place. After a staff member is separated from the Sheriff's Office, they may be contacted by a member of the Peer Support Team to be advised of available counseling and assistance if they should need any. The Department's licensed mental health professional may also provide counseling to individuals who have separated from the Sheriff's Office for up to three additional months after separation.

Leave following a critical incident: An employee directly involved in a critical incident that does not involve the death or serious injury of another person due to the employee's actions may be granted immediate administrative leave at the discretion of a supervisor. Additional time off for sick (administrative) leave may be granted by the Sheriff or designee.

In incidents where an employee's actions result in the death or serious injury of another person, the employee may be placed on administrative leave until the administrative investigation of the incident is completed. Administrative leave beyond the completion of the administrative investigation is at the Sheriff's discretion.

1008.3 ORGANIZATION AND ADMINISTRATION

The PST is comprised of Sheriff’s Office personnel and operates under the general direction of the PST Clinical Supervisor and the specific direction of the team coordinator and assistant coordinators. If the team coordinator is unavailable to oversee the team, one of the assistant coordinators assumes responsibility. In the event of the absence of the team coordinator and the assistant coordinators, an acting coordinator will be designated.

1008.4 TEAM SELECTION

The PST Coordinator is designated by the Sheriff. The assistant coordinators are selected by the PST Clinical Supervisor and PST Coordinator. Department personnel are notified when there are vacancies on the PST. Interested personnel must submit a letter of interest to the PST coordinator within the specified time limit. In the letter of interest, applicants must include (1) information about why they wish to become a member of the PST, (2) a list of any past training relevant to peer support, (3) a description of experiences relevant to peer support, (4) a brief statement about how they personally manage stress, and (5) any other information pertinent to their application.

Applicants are screened and interviewed by the Coordinator and selected members of the PST to determine suitability. Current PST members may provide input before an applicant is appointed to the team. The PST Coordinator submits a list of qualified applicants to the Sheriff, via the Chain of Command, for final approval and appointment to the PST.

1008.5 CONFIDENTIALITY

PST confidentiality is specified under Colorado Revised Statutes 13-90-107(m) and 12-30-125. Specific interactions are protected under this statute.

There are several circumstances where information obtained by PST members is not confidential, that include but are not limited to:

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(a) A law enforcement or firefighter peer support team member was a witness or a party to an incident which prompted the delivery of peer support services.

(b) Information received by a peer support team member is indicative of actual or suspected child abuse, as described in section CRS 18-6-40.

(c) Actual or suspected child neglect, as described in section CRS 19-3-102

(d) Actual or suspected crimes against at-risk persons, as described in CRS 18-6.5-103

(e) Due to alcohol or other substance intoxication or abuse, as described in CRS 27-81-111 and 27-82-107, the person receiving peer support is a clear and immediate danger to self or others.

(f) There is reasonable cause to believe that the person receiving peer support has a mental illness and, due to the mental illness, is an imminent threat to self or others or is gravely disabled as defined in CRS 27-65-102.

(g) There is information indicative of any criminal conduct CRS 13-90-107(m) and 12-30-125.

(h) Peace officer members of the PST are required to take action, including arrest, in domestic violence cases where there is probable cause that a crime has been committed.(CRS 18-6-803.6)

PST members are subject to all other disclosures mandated by law. Information communicated in PST interactions is not subject to disclosure in any administrative investigation.

1008.6 PEER SUPPORT TEAM RESPONSE

Any Sheriff's Office personnel involved in a critical incident may be relieved of his/her duty and receive support and counseling, if required, from a member of hte PST under the direction of the Clinical Supervisor. The PST is available on a 24-hour call-out basis. Any Sheriff's Office personnel may request a team member to respond to an incident and any team member may respond to any incident where assistance may be required. The PST Coordinator should be advised before any team member response whenever practical.

PST members may be asked to respond to the scene of any critical incident or other location to meet with involved personnel to provide immediate support. PST members may be requested to respond in the following situations:

(a) Any critical incident

(b) Any incident that is serious enough to warrant a clear need for PST support.

(c) Upon the request of an involved employee

(d) At the direction of the PST Clinical Supervisor or the PST coordinator

(e) Any incident where a supervisor requests response of the PST

PST members should make a reasonable effort to contact the team coordinator prior to responding to a critical incident. If this is not possible, PST members must notify the team coordinator as soon as practical. While engaged in a PST role, PST members shall not be utilized for other

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assignments. In the event that any personnel directly involved in a critical incident requests a particular PST member who is not a witness or a party to the incident, supervisors shall make every effort to release the requested PST member from an alternate assignment so that hte PST member may provide peer support to the involved person.

Any person associated with the Sheriff's Office may request PST assistance with personal or work-related matters. Weld County's Employee Assistance Program is available as well.

Supervisors may recommend that persons under their direct supervision contact the PST Clinical Supervisor or members of the PST if it is believed that PST support would assist the person to better manage personal or work-related stress. Recommendations do not constitute a supervisory order and PST contact is optional.

1008.7 CRITICAL INCIDENT DEBRIEFING

Critical incident debriefing is a resource for personnel who have recently experienced a critical incident. The PST, under the direction of the PST Clinical Supervisor, will determine whether a debriefing is necessary following an incident. Critical incident debriefing is open to all personnel directly involved and/or affected by the critical incident. Participation in any critical incident debriefing or other group interaction is optional. Debriefings and other group interactions conducted under the facilitation of the PST clinical supervisor are confidential within the limits prescribed by law.C.R.S. 13-90-107(m) and 12-30-125.

PST member facilitated critical incident debriefings must be approved by the PST Clinical Advisor and shall be conducted in accordance with the PST Operational Guidelines which will be found in the most recent Peer Support Team Manual. The identity of participants and information discussed during any PST-member facilitated debriefing or other group PST interactions are considered confidential and shall not be subject to inquiry by Internal Affairs or other administrative inquiry.

Personnel involved in an Internal Affairs investigation or a supervisory inquiry that request assistance in dealing with the stress related issues arising from the investigation or inquiry may utilize the support services of the PST Clinical Advisor or uninvolved members of the PST.

1008.8 POST-INCIDENT SERVICES

Post-incident services will be afforded to the involved officer, the officer's family and significant others. These services include:

(a) Confidential post-incident and on-going intervention with the Coordinator or a qualified mental health professional

(b) Peer support, upon the direction and guidance of the coordinator

(c) Support during incident related recordings and reports

(d) Temporary or administrative leave to manage the impact of the incident on the deputy, his or her family and significant others

(e) Guidelines and procedures for an officer's return to duty, which include ongoing support, consideration for returning to the scene of the incident, firing his or her weapon at the shooting range, and participation in a re-entry program with a partner

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Sheriff's Cadets and Explorers

1009.1 PURPOSE AND SCOPE

Cadets and explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1009.2 PROGRAM COORDINATOR

The program coordinator will be responsible for tracking the educational and job performance of cadets and explorers as well as making their individual assignments throughout the Office. The program coordinator will also monitor the training provided for all cadets and explorers and review all decisions affecting job assignments, school attendance and performance evaluations.

1009.2.1 PROGRAM ADVISERS

The program coordinator may select individual deputies to serve as advisers for the Cadet and Explorer Program. These deputies will serve as mentors for each cadet and explorer. Cadets and explorers will bring special requests, concerns and suggestions to their program adviser for advice or direction before contacting the program coordinator. One adviser may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the cadets and explorers. Multiple cadets and explorers may be assigned to each program adviser. Program advisers are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

1009.3 ORIENTATION AND TRAINING

Newly appointed cadets and explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet and Explorer Training Manual. Training sessions will be scheduled as needed to train cadets and explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets and explorers to compete successfully in the sheriff's deputy selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become sheriff's deputies. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1009.4 CADET AND EXPLORER UNIFORMS

Each cadet and explorer will be provided two uniforms meeting the specifications described in the uniform and equipment specifications manual for civilian employees.

1009.5 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet and explorer. Office needs and concerns will take precedence over individual cadet or explorer considerations, with the final decision resting with the Program Coordinator.

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In general, senior cadets and explorers will be assigned to positions requiring more technical skill or responsibility, including training other cadets and explorers for new assignments.

1009.6 RIDE-ALONG PROCEDURES

All cadets and explorers are authorized to participate in the Ride-Along Program, provided ride-along standards are met, on their own time and as approved by their immediate supervisor and the appropriate Shift Sergeant. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating in a ride-along.

1009.7 PERFORMANCE EVALUATIONS

Cadets, senior cadets, explorers and senior explorers will be evaluated annually to assess their current job performance and their potential as sheriff's deputies.

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Nepotism and Employment Conflicts

1010.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this office.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1010.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Office will not prohibit personal or business relationships between employees, the following restrictions apply:

(a) Employees are prohibited from directly supervising or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any employee

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to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1010.2.1 EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to state guidelines and to disclose of conflicts of interest as required by law (Colo. Const. art. XXIX; CRS § 18-8-308; CRS § 24-18-104; CRS § 24-18-105).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1010.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify

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the Sheriff or the authorized designee of such actual or potential violations through the chain of command.

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Office Badges

1011.1 PURPOSE AND SCOPE

A Weld County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Weld County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

1011.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued or approved by this office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1011.2.1 FLAT BADGE

Certified deputies may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Office policy as the uniform badge.

(a) A deputy may sell, exchange or transfer the flat badge he/she purchased to another deputy within the Weld County Sheriff's Office if they choose to do so.

(b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.

(c) An honorably retired deputy may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1011.2.2 NON-CERTIFIED PERSONNEL

Badges and Office identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. office technician, booking technician).

(a) Non-certified personnel shall not display any Office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Non-certified personnel shall not display any Office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified deputy.

1011.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

Additionally, all deputies retiring in good status with the office will be provided with a "retired" badge upon separation. The badge will reflect the deputy's rank at the time of retirement and will be emblazoned with their status as "retired".

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1011.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all certified employees and civilian uniformed employees for official use only.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1011.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Office badge shall not be used without the authorization of the Sheriff or an authorized designee and shall be subject to the following:

(a) Employees may use the likeness of the Office badge for work related merchandise and official business.

(b) The likeness of the Office badge for endorsement of political candidates shall not be used without the express approval of the Sheriff or the authorized designee.

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Performance Appraisal Data

1012.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- A deputy's ability to detect crime
- A deputy's work ethic
- A deputy's work assignment and shift
- A deputy's physical abilities, stature, etc.
- Randomness of events

1012.2 RESPONSIBILITIES

Under the authority of the Administrative Lieutenant, the Professional Standards Sergeant and/or Crime Analyst may be responsible for collecting performance indicators and other relevant data to generate and provide a Performance History Audit Report for each deputy to the appropriate Lieutenant. The Lieutenant may disseminate the Performance History Audit Report to the individual employee's direct supervisor as needed.

1012.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audit will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1012.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Sheriff or the authorized designee of Weld County Sheriff's Office has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include, but are not limited to:

(a) The frequency and findings of use-of-force incidents.

(b) Frequency of involvement and conduct during vehicle pursuits.

(c) Frequency and findings of citizen complaints.

(d) Number of commendations, compliments and awards (citizen and Office).

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(e) Claims and civil suits related to the employee's actions or alleged actions.

(f) Canine bite incidents.

(g) Internal Affairs investigations.

(h) Frequency and reasons for case rejections by a prosecutor.

(i) Intentional or unintentional firearm discharges (regardless of injury).

(j) Vehicle collisions.

(k) Missed court appearances.

(l) Documented counseling memos.

(m) Number of arrests, traffic stops, case clearances

1012.5 COMPILATION OF DATA

The Professional Standards Sergeant and/or Crime Analyst will utilize secure systems and other methods to compile and track performance indicators for each deputy during each quarter in order to prepare Performance History Audit Reports.

1012.6 DATA ANALYSIS AND ACTION

Upon receipt, the Lieutenant will review each Performance History Audit Report and determine whether it should be provided to a deputy's immediate supervisor for further consideration. The deputy's immediate supervisor will carefully review the Performance History Audit Report with the deputy to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline.

If a supervisor determines that a deputy's performance warrants action beyond informal counseling, the supervisor shall advise the appropriate Lieutenant through the chain of command of such recommendation.

If discipline or other adverse action is initiated against a deputy as a result of a Performance History Audit, the deputy shall be entitled to all rights and process set forth in the Disciplinary Policy and the Personnel Complaint Procedure Policy.

1012.7 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to a deputy's personnel file as outlined in the Personnel Files Policy.

1012.8 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged as required by the approved records retention schedule.

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Personal Appearance

1013.1 PURPOSE

To ensure the appropriate professional appearance of all Weld County Sheriff's Office employees.

1013.2 DEFINITIONS

Business Attire: A professional style of clothing consisting of, but not limited to, a button down collared shirt, neck tie, dress slacks, skirt or pant suit, and dress shoes.

Business Casual Attire: A semi-professional style of clothing that blends traditional business wear with a more relaxed style that is still professional and appropriate for an office environment, such as:

- Slacks or business dress pants, khakis, chinos, dark jeans without holes.
- Knee-length or maxi dresses.
- Button-down shirts, sweaters, blouses, henley or polo shirts.
- Cardigans, blazers, or sport coats (especially for the colder months).
- Shoes such as loafers, Oxfords, boots, pumps, or flats.
- Simple, professional accessories such as scarves, belts, or jewelry.

1013.3 POLICY

Personal appearance should be maintained in a manner that is neat, clean and well-groomed.

Clothing

1. Sworn personnel: uniform should be clean, pressed and well maintained. Footwear and leather gear should be polished.
2. Civilian Personnel: All non-uniformed personnel are required to wear business or business casual attire that is appropriate for their assigned duties. (i.e., court appearances, training, office work).
3. Civilian Personnel are required to wear a county I.D. badge in a clearly visible manner in all Sheriff's Office facilities.
4. Only appropriate law enforcement related logos may be displayed on business casual attire.
5. Nothing from the following list shall be worn by employees, except sworn personnel with supervisor's approval for a specific mission or detail:
    - Well-worn athletic sneakers or tennis shoes.
    - Flip-flops, y- or thong-style sandals, or "croc" style sandals.
    - Dirty, stained, or wrinkled clothing.
    - Torn or ripped clothing, such as distressed jeans.
    - Clothing that is too tight or short.

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- Clothing that is oversized or too loose.
- Shorts.
- Tank tops or strapless shirts, backless or low-cut tops, or crop tops.
- Clothing with offensive or inappropriate messaging, logos, or text.
- Revealing items, including see-through items that reveal undergarments.
- Athleisure attire.

Hair; Sworn Personnel

1. Hair styles: Hair should be clean, neatly styled, and of a "natural" hair color (i.e., not colors unnatural to humans).
    - Males: hair must be neatly trimmed in a rounded, squared, or blocked style and does not touch the collar of the shirt.
    - Females: long hair must be secured in a fashion that eliminates risk (i.e., worn in a style that is secured to the back of the head).
    - Federal law prohibits discrimination against an individual, based on the individual's hair texture or hairstyle, if that hair texture or that hairstyle is commonly associated with a particular religion, race, or national origin; reasonable accommodations will be explored; however, safety is paramount and a hair style that presents a safety risk must be secured in a fashion that eliminates the risk.
        (a) Mustaches may be worn if they are professional and well-groomed, in appearance.
            i. Mustaches cannot extend below the corners of the mouth and cannot fully cover the upper lip.
            ii. Handlebar, Fu Manchu, horseshoe, or other extended types of mustaches are not authorized.
        (b) Beards and Goatees may be worn, if they are professional and well-groomed in appearance.
            i. Safety is a major concern. Deputies that choose to wear a beard/ goatee are encouraged to check the fit of SCBA and/or gas masks to ensure proper seal can be attained. If a proper seal cannot be attained, then the beard must be trimmed, or removed, to facilitate proper use of the safety equipment required for the deputy's job assignment; a beard length of ¾" or less is recommended. Safety, and the ability to properly use protective equipment, is the responsibility of the deputy.
            ii. Beards/ goatees cannot extend onto the neck.
            iii. Soul patches are not authorized.

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(c) Sideburns may be worn in a squared fashion to the bottom of the ear opening. Flared sideburns are not authorized.

The Sheriff, or his designee, determines if facial hair is professional and well-groomed.

Hair; Civilian Employees

1. Hair styles: Must be clean, neatly styled, and well-groomed in appearance, and of a "natural" hair color (i.e., not colors unnatural to human hair).
    - Unnatural colored highlights are acceptable but cannot exceed 20% of the total hair color.

(a) Mustache and beards may be worn if they are professional and well-groomed in appearance.

(b) The Sheriff, or his designee, determines if facial hair is professional and well-groomed.

Tattoos & Piercings

1. Modest piercings are allowed:
    - Nose piercings
        - Nostril is okay; septum, bridge, nasallang, & rhino piercings are not allowed.
        - No more than one piercing is allowed to be displayed.
        - Unusually large or obtrusive piercings are not allowed.
            - Ring thickness of 18 gauge (1mm) or smaller and a ring diameter of 10mm or smaller is allowed.
            - A stud size of 2mm or smaller is allowed.
    - Ear piercings
        - Sworn personnel, only females are allowed to wear one pair of post style earrings, one in each lobe, while on duty.
        - Civilian employees are authorized to wear earrings in a manner that presents a professional appearance.
            - Ear lobe, helix, daith, tash rook, rook, and forward helix are acceptable piercings.
            - Bars are allowed.
            - Gauges are not allowed.
    - Lip piercings
        - No lip piercings are allowed to be displayed.
    - Clear plugs can be worn to maintain piercings.

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2. Tattoos may be displayed while on duty or representing the agency unless considered controversial, disrespectful, or offensive.
3. Tattoos, scarifications, and brandings on the face, or front of the neck, are not authorized while on duty or representing the agency.
    - Modest hand tattoos are allowed, at the discretion of the Sheriff or designee.
    - Modest neck tattoos not extending onto the front of the neck, beyond the carotid arteries, are allowed at the discretion of the Sheriff or designee.
4. The Sheriff, or designee, determines if tattoos are controversial, disrespectful, or offensive.
    - Examples of potentially offensive body art:
        - Tattoos that bash a specific religion, race or gender.
        - Tattoos with profanity or controversial phrases.
        - Tattoos that bash or mock your company's values.
        - Tattoos of political figures.
        - Tattoos of weapons or threats of physical or emotional harm.
        - Tattoos of nudity or sexual innuendos.
        - Tattoos that promote drug or alcohol use.

Fingernails shall be clean, trimmed, and kept in a manner so that necessary equipment can be manipulated.

Cosmetics are authorized in moderation as long as a professional appearance is maintained.

Visible Jewelry should be reasonable and not present a safety hazard.

1013.4 EXCEPTIONS

Supervisors may authorize exceptions that do not strictly adhere to the personal appearance policy, for personnel in specialized assignments, or for situations where the standards are not practical.

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Employee Speech, Expression and Social Networking

1014.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1014.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1014.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Weld County Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

1014.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Weld County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

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1014.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Weld County Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Weld County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Weld County Sheriff's Office or its employees. Examples include statements that indicate disregard for the law or the state or U.S. Constitution; expression that demonstrates support for criminal activity; participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Weld County Sheriff's Office.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Weld County Sheriff's Office on any personal or social networking or other website or web page without the express authorization of the Sheriff.

(h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:

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1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

In addition, an employee is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the employee and/or others, from any web page or website maintained by the employee (e.g., social or personal website).

1014.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff or the authorized designee, employees may not represent the Weld County Sheriff's Office or identify themselves in any way as being affiliated with the Weld County Sheriff's Office in order to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support, or oppose any product, service, company or other commercial entity

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

When it can reasonably be construed that an employee acting in his/her individual capacity, through some unofficial group or organization but is likely to be identifies as affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Weld County Sheriff's Office.

1014.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any office technology system.

The Office reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the Office e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any office system or device.

This includes records of all key strokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if it is accessed through office computers or networks.

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1014.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1014.7 TRAINING

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

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Illness and Injury Prevention

1015.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Weld County Sheriff's Office.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

1015.2 POLICY

The Weld County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office will establish and maintain training standards that will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries.

1015.3 ADMINISTRATION CAPTAIN RESPONSIBILITIES

The responsibilities of the Administration Captain include, but are not limited to:

(a) Managing and implementing a training to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring office compliance to meet standards regarding the following:
    (a) Communicable diseases
    (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

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(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1015.4 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Captain.

(e) Notifying the Administration Captain when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1015.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Captain via the chain of command.

The Administration Captain will take appropriate action to ensure the illness and injury prevention training addresses potential hazards upon such notification.

1015.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Captain shall ensure that the appropriate documentation is completed for each inspection.

1015.6.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1015.7 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1015.8 TRAINING

The Administration Captain should work with the Training Sergeant to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

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(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed. If needed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Office is made aware of a new or previously unrecognized hazard.

1015.9 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Temporary Modified-Duty Assignments

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness, or injury, and due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses, or injuries, may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or an authorized designee.

Temporary modified-duty assignments are intended to provide an employee with the ability to continue working, within the limits of his/her restrictions and limitations, on a temporary basis while providing the Office with a productive employee during the interim.

Temporary modified-duty assignments are not guaranteed, and any assignments are dependent upon the needs of the Office. Special tasks/projects, or vacancies in critical positions, as determined by the Sheriff or his designee, will be considered for temporary modified-duty assignments. The Office will engage in a good-faith, interactive process to consider reasonable accommodations for any employee with temporary limitations or restrictions.

1016.2 POLICY

Definitions related to this policy include:

Modified duty - A temporary limited-term assignment not requiring performance of the full range of duties associated with the employee’s regular job classification. Modified-duty also may be termed as light- duty.

Work-status report – A report generated by Weld County Human Resources that verifies an employee’s work status including; any limitations, restrictions, and the expected duration of the need for modified-duty assignments.

1016.3 GENERAL CONSIDERATIONS

Modified-duty assignments shall be assessed, and regularly reassessed, to ensure the assignment meets the needs of the Sheriff’s Office, and the employee's ability to perform in a modified-duty capacity.

An employee, with restrictions or limitations may be assigned to a modified-duty position outside of his/her normal assignment, or duties, if it becomes available.

(a) If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

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(b) The lack of Office need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.

(c) The Office may place conditions, as deemed appropriate, upon any modified-duty assignment.

1016.4 PROCEDURE

1. **Modified Duty**

   (a) On an as-needed basis, the agency experiences the need for extra assistance to complete a special project, or experiences a critical vacancy, which requires an employee to temporarily fill a position until a hiring process can be completed.

      i. These needs may be fulfilled with employees that are limited to modified-duty assignments.

   (b) Modified-duty assignments may also consist of an assignment to another department in the county.

2. **Modified duty assignments**

   (a) The Sheriff, or his designee, may assign employees who have temporary restrictions or limitations due to injury or illness to modified duty assignments.

3. **Work assignment and schedule during modified-duty**

   (a) The employees current supervisor will provide the employee with a memo detailing the modified-duty, to include; assignment, schedule, limitations and restrictions determined by the employee’s healthcare provider, and the expected duration of the need for modified-duty.

      i. A copy of the memo will be provided to Human Resources, the employees temporary supervisor, the employee’s lieutenant and the Undersheriff.

      ii. The employee's temporary supervisor shall coordinate efforts to ensure proper time accountability.

   (b) The schedule may be adjusted to accommodate medical appointments or Office needs.

      i. Employees on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments, in advance, with their temporary supervisor, to appropriately account for any duty time taken.

         1. Doctor visits and appointments for treatment of injuries or illnesses that are not work-related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

      ii. Employees shall have their health care provider promptly submit a status report to Human Resources, for each visit, and shall immediately notify Human Resources of any change in restrictions, limitations, or the expected duration, as determined by their health care provider.

         1. An employee assigned to a modified-duty assignment shall have their health care provider submit a status report, to Human

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Resources, no less than once every 30 days, while the employee is on modified-duty.

4. **Duration and review of modified-duty assignments**

   (a) The duration of a modified duty assignment is dependent upon the needs of the agency.

1016.4.1 RETURN TO FULL DUTY

Prior to returning to full-duty status, employees are required to provide an updated status report, signed by their health care provider, indicating that they are medically cleared to perform the basic and essential job functions of their assignment, without restriction or limitation.

(a) The status report will be provided to Weld County Human Resources.

(b) Human Resources will provide the Office with an updated work-status report that indicates the employee may return to full-duty, without restrictions or limitations.

The employee must notify their Lieutenant prior to returning to full duty from a modified-duty status.

(a) The Lieutenant verifies that the employee is eligible to return to full duty, without restrictions.

(b) The Lieutenant verifies that all training and certifications, necessary for a return to duty, are current.

(c) The Lieutenant notifies the employee that they can return to full duty.

(d) The Lieutenant sends a memo to the Undersheriff, advising the employee has returned to full duty.

1016.4.2 MEDICAL EXAMINATIONS

The Office may require a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Office.

1016.5 PREGNANCY

Pregnancy is a temporary condition that permits an employee to seek a modified-duty assignment or job accommodations. When an employee discovers her pregnancy, she should consult with Weld County Human Resources, as soon as practicable, to ensure she is fully aware of all benefits available to her.

When the employee’s healthcare provider determines that the employee requires job restrictions, limitations, or accommodations; the employee shall have her healthcare provider submit a status report to Human Resources. Human Resources will provide the Office with a work-status report and the employee should follow the agency procedure for requesting a modified-duty assignment.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted, consistent with the County's personnel rules and regulations.

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1016.6 EXTENSION OF REVIEW STATUS

Employees who are in initial review or under special review, and are temporarily assigned to a modified-duty assignment, shall have their review period extended by a period of time equal to the employee's assignment to modified-duty.

1016.7 CERTIFICATIONS, TRAINING, AND QUALIFICATIONS

Employees assigned to modified-duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided the certification, training, or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned to modified-duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

Employees assigned to modified-duty will not be eligible to attend training that does not support the essential requirements of their job function.

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Chapter 11 - General Orders

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Written Directives

1100.1 RATIONALE

An effective system of written directives supports policy implementation, promotes consistency, succession, directs training and establishes work performance standards.

1100.2 DEFINITIONS

General Order —a written, procedure directing specific performance for all Divisions of the Sheriff's Office

General Numbered Memorandum—a written directive that, 1) Provides information of general interest to the Sheriff's Office as a whole, or, 2) Provides temporary direction for a one-time event or activity that requires the involvement of more than one Division, or, 3) Provides interim direction to all Divisions in the short term until a general directive is adopted or updated.

Numbered Division Memorandum—a written directive issued within a Division to direct specific performance within that Division or provides information of interest only to Division members

Policy—general Sheriff's Office organizational principles guiding what outcomes are expected from all employees of the Sheriff's Office

Post Orders—concise information or instructions about required duties at a specific duty post or special assignment

1100.3 PROCEDURE

1. Written directives are maintained in electronic and hard copy formats

    a. Copies of current written directives are maintained in the Administration Division

        i. Copies of numbered division memoranda, division procedure and post orders are duplicate copies of those issued and maintained by each Division

    b. Electronic documents will be retained in accordance to the State Archivist approved Retention Schedule

2. Policy, general orders and general numbered memoranda are issued only by signature of the Sheriff or Undersheriff

    a. General numbered memoranda are numbered sequentially by year and include a topic title

    b. General orders are sequentially numbered and organized by topical area

        i. Individual general orders include a specific topic title, effective date, rationale, any necessary definitions and procedure

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3. Numbered division memoranda are issued by Division Captains

    a. Numbered division memoranda are numbered sequentially by year and titled by topic

        i. Division Captains maintain issued numbered division memoranda

    b. Send electronic copies of issued numbered division memoranda to the Sheriff, Undersheriff and Administrative Lieutenant

4. Division procedure and post orders, where applicable, are developed within each Division and submitted by Division Captains to the Sheriff or Undersheriff for approval

    a. Organize division procedures by general topical area and number sequentially

        i. Include a specific topic, effective date, rationale, definitions and procedure

    b. Identify post orders by post name and effective date

    c. Approved division procedures and post orders are returned to the Division Captains for implementation

        i. Division Captains maintain division procedure and post orders

        ii. Send electronic and hard copies of approved division procedures and post orders to the Administrative Lieutenant

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Interpreters or Auxiliary Service for Deaf or Hard of Hearing

1101.1 REFERENCES

CRS 13-90-201 through 13-90-208

1101.2 RATIONALE

Persons who are deaf or hard of hearing and cannot readily hear or understand or communicate in spoken language shall be assisted by qualified interpreters or auxiliary services in order to equally participate in, or benefit from, activities and services from the Sheriff's Office.

1101.3 DEFINITIONS

Auxiliary services—aids and services that assist in effective communication with a person who is deaf or hard of hearing including, but not limited to, a computer-aided real-time translations (CART) reporter, an assistive listening device, acquired or modified equipment or devices to assist in effective communication with a person who is deaf or hard of hearing

Deaf or hard of hearing—a person who has a functional hearing loss of sufficient severity to prevent aural comprehension even with the assistance of hearing aids

Effective communication—those methods of communication that are individualized and culturally appropriate to a person who is deaf or hard of hearing so that he/she can easily understand all auditory information

Qualified interpreter—a person who has a valid certification of competency accepted by the Colorado Commission for the Deaf and Hard of Hearing in the Colorado Department of Human Services and includes, but is not limited to, oral interpreters, sign language interpreters and intermediary interpreters

1101.4 PROCEDURE

(a) A qualified interpreter or auxiliary service shall be provided to a person who is deaf or hard of hearing when arrested and taken into custody for an alleged violation of criminal law of the state or its political subdivisions

  (a) Such appointment shall be made prior to any attempt to notify the arrestee of his/her constitutional rights, prior to any attempt to interrogate or take a statement from such person

  (b) A person who is deaf or hard of hearing and who is otherwise eligible for release shall not be held pending the arrival of a qualified interpreter

(a) An auxiliary service shall be requested when effective communication cannot be established during questioning when an alleged victim or witness who is deaf or hard of hearing uses sign language for effective communication

  (a) The length, importance, or complexity of the communication may not reasonably warrant the provision of an auxiliary service

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(b) The right of a person who is deaf or hard of hearing to a qualified interpreter or auxiliary service cannot be waived except in writing by the person who is deaf or hard of hearing

  (a) Prior to executing such a waiver, the person may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication

  (b) Such waiver is subject to the approval of counsel, if any, to the person

  (c) Under no event shall the failure of a person who is deaf or hard of hearing to request a qualified interpreter or auxiliary service be deemed a waiver of this right

  (d) Questioning using pen and paper is not allowed without written waiver except under exigent circumstances

(c) Request qualified interpreter services through Weld County Communications

  (a) Specify the nature of service needed, i.e. hearing impaired interpreters, sign language, or deaf persons who do not know or use sign language

(d) Document the name and witness information of the interpreter in the report

  (a) Interpreters may request a signature on a Colorado Legal Services Billing Statement and Authorization form

    (a) Sign at the bottom under “attestation.”

    (b) Include a copy of this form, if possible, with the report

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Legal Assistance

1102.1 RATIONALE

Any employee receiving a subpoena, Notice of Claim, or other civil action in which the employee is named as a defendant in their official capacity is responsible to notify the Sheriff’s Office without delay.

1102.2 PROCEDURE

A. Employees shall notify the Internal Affairs Sergeant within one working day of service

A. The Internal Affairs Sergeant notifies the Undersheriff, Sheriff, County Attorney's Office, and provides regular updates to the employee.

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Public Information

1103.1 RATIONALE

The dissemination of accurate and timely information is fundamental to public trust and the partnership between the Sheriff's Office and the Weld County community. A single point of contact for public information improves the accuracy of information, makes more efficient use of agency personnel, improves coordination within the Sheriff's Office and delivers better service to the public.

1103.2 DEFINITIONS

Public Information Officer (PIO): A person appointed by the Sheriff to serve as the single point of contact and spokesperson for the Sheriff's Office. The PIO may also temporarily be an on-scene supervisor, or designated by the on-scene sergeant, when necessary to manage the media response to an active scene. **Sheriff's Office Staff**: Sheriff, Undersheriff, Captain and Lieutenant. **Significant Event**: Broadly interpreted by staff and mid-management discretion as any event likely to be of general community interest or concern that could influence public confidence in local government and public safety effectiveness. Some examples of significant events include, but are not limited to, any one or more of the following-

(a) Suspicious death

(b) Homicide

(c) Accidental death or shooting

(d) Death of an inmate in custody

(e) Sexual assault

(f) Aggravated assault or robbery

(g) Vicious animals

(h) Escape from secure custody

(i) Public safety continues to be at risk

(j) SWAT activation

(k) Result is serious bodily injury including child victims or agency employees

(l) Property crime with loss/damage exceeding $10,000

(m) Public property crime with loss/damage exceeding $2,000

(n) The information may aid in apprehension of a suspect, prevent further victimization or locate an at risk missing person

(o) A special achievement or recognition of the agency or agency member

(p) A new agency initiative, program, or commitment in response to a community or neighborhood problem

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Written Media Release: A Sheriff's Office electronic document format used to prepare a document containing releasable public information related to a significant event or any other event at the discretion of the PIO or sergeant.
Protected Health Information: Information, including demographic data, that relate to-

- An individual's past, present or future physical or mental health or condition,
- The provision of health care to the individual, or,
- The past present or future payment for the provision of health care to the individual, AND,
- That identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual (e.g., name, address, birth date, etc.)

1103.3 PROCEDURE

A. The Sheriff appoints a Public Information Officer (PIO)

1. An on-duty sergeant in the division where the event occurred is responsible for PIO duties after regular county business hours until relieved.

B. The appointed PIO is responsible for the following:

1. Coordinating requests for information from the public and media
2. Disseminating public information excluding the release of criminal justice records
3. Scheduling press conferences when requested by the Sheriff
4. Preparing and distributing written media releases
5. Coordinating and scheduling media interviews with agency personnel when requested and appropriate
6. The release of information according to applicable Colorado Revised Statutes and agency directives
7. Be on-call and exercise independent judgment to determine if a response after regular county business hours is necessary
8. Designate an acting PIO when unavailable
9. Authorize release of jail booking photos when the release of those photos does not compromise an ongoing, criminal investigation
10. Notify staff of significant events or events that generates media interest
11. Use checklists, as appropriate

C. Employees may provide information to the media directly when requested, but are required to follow this procedure regarding all information released

1. Employees providing information are required to notify the PIO of what information was released

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2. Written media releases require approval of the Sheriff or his designee before dissemination

1103.3.1 PIO CHECKLISTS

Checklist 1- Field Management of Media at an Active Scene

1. Allowed in any area the general public is allowed to be under current conditions
2. Quickly establish an area designated for media assembly and inform media
3. Must have permission of owner or person in control to enter private property
4. Media or public NOT allowed entry into a crime scene even if in a public place
5. Media or public NOT allowed within tactical perimeters
   (a) Established for hostage situations, barricaded subjects, explosives removal, working fires, etc.
6. Provide an explanation to media whenever access to an area is denied
7. Media is allowed to photograph anything seen with the human eye

Checklist 2- Restricted General Information Release--DO NOT RELEASE

1. Identity of any deceased must have prior approval of County Coroner's Office
2. Identity of suspects interviewed or interrogated but not arrested or charged
3. Identity of witnesses
4. Identity of victims of sexual offenses
5. Identity of juvenile victims/suspects unless transferred to adult court
6. Information known only by the perpetrator(s)
7. Personal health information of victims
8. Specific information about physical evidence in the case
9. Information about valuable items not stolen
10. Misleading for false information
11. Conjecture about suspects or fugitives
12. Existence of a confession, admission or state of the accused
13. Refusal of accused to make a statement
14. Refusal of accused to submit to, or the results of any examination or tests
15. Description or results of laboratory examination of physical evidence
16. Revelations that the accused directed investigators to the location of evidence
17. Any remarks about the assumed guilt or innocence of the accused
18. Comments about the credibility of testimony
19. If information for the arrest was derived from an informant

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Checklist 3- Acceptable Information Release--APPROVED FOR RELEASE

1. Description of exact offense including a brief summary of events
2. Location and time of offense
3. Type of property lost, aggregate health information, or resulting damages
    (a) Aggregate health information: e.g. "Paramedics transported 2 people with injuries by ambulance to the North Colorado Medical Center"
4. Identity of victims, withexceptions
    (a) Exceptions: Victims of sexual assault or death when Coroner has not released the name of victim
5. If there are suspects in a case
6. If investigation not hindered, unidentified suspect physical/vehicle descriptions
7. Identification of fugitive suspects when arrest warrants have been issued
8. Method of complaint, i.e. citizen report, deputy discovered, arrest warrant, etc.
9. Length of investigation and name of deputy leading the investigation
10. Time and place of an arrest
11. Defendant's name, age, home address, marital status and similar background
12. Exact charges
13. Facts and circumstances related to arrest, i.e. resistance, pursuit, weapons, etc.
14. Identity of agency or unit responsible for the arrest
15. Name of arresting deputy unless unusual circumstances require deputy's safety
16. Duration of investigation
17. Pre-trial release/detention arrangements, amount of bond, location of detention
18. Schedule dates of various steps in the judicial process

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Incident Reporting and Staff Notification

1104.1 REFERENCES
National Incident Management System

1104.2 RATIONALE
A significant event may require communication above what is required in the normal course of duty. Proper staff notification is necessary to ensure that Sheriff's Office policy makers are informed and available to make policy decisions during significant, dynamic and rapidly evolving events that affect the agency. A well executed staff notification system provides timely and accurate information to the Sheriff and all personnel in the chain of command; a function that is vital to maintaining the confidence of the public while allowing for effective leadership within the agency and the broader community.

1104.3 DEFINITIONS
Significant Event: Broadly interpreted by staff and mid-management discretion as any event likely to be of general community interest or concern that could influence public confidence in local government and public safety effectiveness. Some examples of significant events include, but are not limited to, any one or more of the following-

1. Suspicious death
2. Homicide
3. Accidental death or shooting
4. Death of an inmate in custody
5. Sexual assault
6. Aggravated assault or robbery
7. Vicious animals
8. Escape from secure custody
9. Public safety continues to be at risk
10. SWAT activation
11. Result is serious bodily injury including child victims or agency employees
12. Property crime with loss/damage exceeding $10,000
13. Public property crime with loss/damage exceeding $2,000
14. The information may aid in apprehension of a suspect, prevent further victimization or locate an at risk missing person
15. A special achievement or recognition of the agency or agency member
16. A new agency initiative, program, or commitment in response to a community or neighborhood problem

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Chain of Command: The hierarchy of supervision, in statutory services, is from Deputy to Sergeant to Lieutenant to Captain to Undersheriff to Sheriff.The hierarchy of supervision for civilian non-sworn personnel follows the organizational charts. The command structure for public information is from PRO to Undersheriff.

Sheriff's Office Staff: Sheriff, Undersheriff, Captain and Lieutenant.

Public Relations Officer (PRO): A person appointed by the Sheriff to serve as the single point of contact and spokesperson for the Sheriff's Office. A temporary PRO may be an on-scene sergeant, or designated by the on-scene sergeant, when needed to manage the media response to an active scene.

1104.4 PROCEDURE

All employees of the Sheriff’s Office are expected to routinely communicate with each other and follow their respective chain of command while performing their duty assignments.
When an employee identifies an incident that is believed to require immediate action by a higher authority in the chain of command or may be of significant importance to Sheriff’s Office Staff and/or the Sheriff;

A. Employees must:
    1. Take the proper steps to obtain information about the incident.
    2. Documentation of the event is dictated by the applicable procedure
    3. Immediately notify the employee’s direct supervisor about the incident and be prepared to provide additional information that may be requested.
    4. If an employee is unsure whether an incident requires staff notification, that employee should immediately notify their supervisor.
    5. Employees may be designated to work directly with the PIO and media outlets.

B. Supervisors must:
    1. Evaluate the continued need for communication and/or notifications through the chain of command and notify the next level of supervisor or,
    2. Notify the appropriate Sheriff’s Office Staff member of significant events and be prepared to take action as is necessary or instructed.
    3. Notification to the Public Information Officer may also be necessary

C. Sheriff’s Office Staff must:
    1. Evaluate the continued need for communication and/or notifications through the chain of command and/or,
    2. Notify the appropriate Sheriff’s Office Staff member and/or Sheriff of significant events and be prepared take action as is necessary or instructed.

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Temporary Protection Orders

1105.1 REFERENCES

CRS §30-10-515

1105.2 RATIONALE

Colorado Revised Statutes impose a duty on the Sheriff, and therefore all deputies, to serve temporary protection orders when directed to the Sheriff for service. Processes and orders requiring service during normal county business hours are processed by Sheriff's staff at the Weld County Law Enforcement Administration Building (1950 O Street, Greeley) lobby. Temporary Protection Orders (TPO), however, are an exception because the inherent need for the safety of the person protected by the order transcends normal business hours. Therefore, when minimum conditions are met, a TPO will be served 24 hours daily.

The circumstance predicating the need for a TPO is usually traumatic and filled with conflict. Every member of the Sheriff's Office is encouraged to be empathic and understanding when a TPO is presented for service.

1105.3 PROCEDURE

1. Temporary Protection Order documents are only accepted for service during regular business hours, Monday – Friday, 0800-1700 hours (closed holidays) at Weld County Law Enforcement Admin building (preferred location), SW Sub Station and SE Sub Station. Documents are processed at the Law Enforcement Admin building for service by the Civil Process technicians and sent out for service with the civilian civil process servers. Certain circumstances may dictate the document be sent out for service with the Patrol Division. The circumstances include but are not limited to:
    (a) Subject has an active arrest warrant
    (b) Documented history of threats or violence towards law enforcement
    (c) Order restrains the subject from the same residence as the protected party, hence requiring the removal of the restrained person from the residence
2. Information documenting acceptance of the TPO is entered into the Civil system computer by a Civil process technician at the Law Enforcement Admin Building during normal business hours.
    (a) TPO and Protection Order Information documents received at Southwest and Southeast buildings are faxed or relayed to the to the civil process technician at the Law Enforcement Admin Building or in some exceptions the SW office technician will make the entries.
        1. Original documents are relayed to the Civil process technician at the Law Enforcement Admin Building in regular intra-county mail
    (b) A court date appears in the TPO document. The TPO must be served by the court date or a non-service completed showing what diligent effort was made to

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serve the document in order to close the document in the computer system in the appropriate civil program.

3. During normal business hours, the civil technician attaches the routing slip and civil number generated by the civil system computer to the TPO documents to be served and send out for service.
    (a) Defendant in custody at the North Jail Complex:
        (a) An on duty civil process server or civil deputy should be contacted, if not available, an on-duty patrol Sgt. should be contacted for service.
    (b) The TPO documents are faxed to the Law Enforcement Admin Building from Southwest or Southeast Buildings during normal business hours
        (a) TPO documents for service will be emailed to the appropriate building for service and assigned to the deputy or the district.
4. Successful service of TPO’s requires the deputy and/ or civil process server to call the Greeley/ Weld records department to update CCIC records.
    (a) The records clerk will update CCIC records to reflect time and date that the order was served.
        (a) The deputy and/ or civil process server utilizes the computer civil system enters service attempt information, prints an affidavit of service, or fills in court affidavit attached to routing sheet.
    (b) Signed affidavits of service are attached to the routing slip and returned to the civil process technicians at the Law Enforcement Admin Building.
    (c) Affidavits signed by Sheriff's Office personnel are notarized by the civil office technician.
5. The routing slip is updated to document every attempt of service, what deputy attempted service, information regarding an attempt of service and/or completed service.
    (a) Return completed routing slips to the civil process technicians at the Law Enforcement Admin Building.
    (b) Routing slip attempt information is entered into the civil system computer by the deputy and/ or civil process server making the attempts/service.
        (a) Deputies and/or civil process servers are required to document in the computer civil system under the associated number assigned to the order documenting actions and attempts made to serve the order and any other related follow up or investigative information.
    (c) Non serves will be returned to the courts along with the evidence of diligent service efforts.
    (d) An affidavit of service or non-service document is generated.
6. Affidavits of service are signed by the deputy and/or civil process server serving the TPO and returned to the civil process technician at the Law Enforcement Admin Building.

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7. The civil process technician sends completed affidavits or non-service documents to the court and plaintiff.
8. After hours TPO's shall be served in scope of 13-14-102 (11). After hours TPO's are not entered in to the civil computer system and the plaintiff is responsible to return the signed affidavit to the courts.
    (a) 13-14-102(11) "*If the order has not been personally served, the peace officer responding to a call for assistance shall serve a copy of said order on the person named defendant therein and shall write the time, date, and manner of service on the protected person's copy of such order and shall sign such statement*."

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Emergency Action Plan (EAP)

1106.1 RATIONALE

Weld County Sheriff's Office Employees must be able to respond quickly to actual or perceived emergency situations and severe weather events to keep employees; visitors and inmates safe and reduce the risk of injury.

1106.2 DEFINITIONS

Emergency Action Plan- A written document outlining employee actions and directions during a real or perceived emergency.

1106.3 PROCEDURE

1. The purpose of the Emergency Action Plan is to give guidance, facilitate and organize employee actions during workplace and weather emergencies.
    (a) Well developed emergency plans and proper employee training will assist employees to understand their roles and responsibilities resulting in fewer and less severe injuries.
    (b) Poorly prepared plans will likely lead to disorganized evacuation or emergency response resulting in confusion, injury and property damage.
2. A major disaster may include, but not limited to, any of the following: building evacuation, fire, severe weather, earthquake, bomb threat, hazardous chemical spill, security incident or building lockdown.
3. The Emergency Action Plan describes the initial responsibilities and actions to be taken to protect all employees, visitors and inmates until the threat has passed and the "all clear" signal is announced.
4. The Emergency Action Plans will be rationally related, and specific to, the unique workplace needs of each division.
5. It is impossible to provide specific information for all situations. Therefore, Emergency Action Plans are guides for employees to familiarize themselves with basic emergency response.
6. Each Division will maintain a current Emergency Action Plan.
    (a) Administration Division (to include South West and South East Substations)
        (a) Sheriff's Office Buildings to include:
            (a) WCSO Administration Staff
            (b) WCSO Patrol/Detentions Division Personnel working out of Sheriff's Office Buildings.
        (b) Detentions Division
            (a) North Jail Complex
            (b) Court House & Court Annexes

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(c) Courts Holding

(c) Patrol Division

(a) Southwest Service Center in conjunction with other Weld County Departments

(b) Southeast Service Center in conjunction with other Weld County Departments

7. Emergency Action plans, at a minimum, should include the following:
   (a) Evacuation Routes
   (b) Assembly Areas
   (c) Fire and/or Smoke Emergencies
   (d) Bomb Threat
   (e) Medical Emergencies
   (f) Security Incident
   (g) Hazardous Materials Spill
   (h) Building Lockdowns
   (i) Weather Emergency
   (j) Location of Fire Extinguishers
   (k) Location of Fire Alarms
   (l) Location of Automated External Defibrillator(AED)
8. A current Emergency Action Plan will be provided to Professional Standards no later than January 31 of each year.
   (a) The Division Captain/Lieutenant may submit a letter attesting annual review was completed, but revisions were not necessary.
   (b) The memo may be submitted instead of submitting a duplicate Emergency Action Plan

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Northern Colorado Medical Center Security Access

1107.1 GUIDELINES

Employee Access to Northern Colorado Medical Center (NCMC):

Weld County Sheriff's Office employees will be required to have a Security Badge issued by Northern Colorado Medical Center to access the emergency unit at NCMC. Sheriff's Office employees that do not have a security badge issued by NCMC will have to gain entrance into the emergency unit by checking in with hospital security staff in the triage area of the hospital.

Issuance of the security badges:

Security badges will be issued to Weld County Sheriff's employees by the security staff at Northern Colorado Medical Center upon employment with the Sheriff's Office. The security badges will be proximity access cards and will be issued in the name of the Sheriff's Office employee if that employee is assigned to the Patrol Division. The badges will contain the employees name and a serial number that identifies it to that specific employee.

Employees assigned to the Detention Division will have access to six general purpose security badges.

If an individual employee is separated from employment with the Weld County Sheriff's Office for any reason, the Administration Office Manager must be immediately notified. The Administration Office Manager will then contact the Security Office at NCMC to advise them of the employee's leave status so that the employee's security badge can be deactivated. The Administration Office Manager will then return the badge to the Security Office at NCMC.

Areas of Authorized access with security badges.

Entry into the hospital facility should be made through the intake triage area and movement through the facility should be limited to the specific area(s) where the employee is conducting official business.

Only when there is an emergency response requested to the emergency unit area may the ambulance service entrance be used.

Weld County Sheriff's Office employees that are at the hospital for private matters, are not authorized to use their security badges to gain access to any portion of the hospital.

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Budget

1108.1 RATIONALE

A budget allows for accountability and enables organizational control, coordination, communication and motivation necessary to implement management plans that achieve goals and outcomes.

1108.2 DEFINITIONS

Budget—a plan of future action expressed in monetary terms; budgeting is the process of planning future action.

Division Budget—the sum of department budgets within a Division's organizational control

Department—an organizational budget unit identified by Weld County that delivers a particular service or services (Forensic Lab, North Jail, etc.)

Line Item Budget—a budget listing each expenditure category (salary, materials, telephone service, travel, etc.) separately, along with the dollar amount budgeted for each specific category

Master Budget—the compilation of individual Division budgets in one cumulative budget representing the total budget for the entire Sheriff's Office organization

Program Budget—synonymous with department when only one primary service is provided by the department. In a department with many services, represents each functional area of service that contributes materially to the overall department.

1108.3 PROCEDURE

1. The Division management staff for each Division develops goals, desired outcomes and key performance indicators for each Division during the first quarter of each calendar year
    (a) Meaningful outcomes are supported by measurable or quantifiable performance objectives or key performance indicators
2. The Sheriff and/or Undersheriff reviews Division goals, outcomes and performance indicators with Division management staff in April of each year
3. The County Finance and Administration Department distributes the annual Budget Message including Budget Plans, Budget Strategy, Budget Calendar, Special Budget Instructions each May
4. The Sheriff, Undersheriff, Finance Manager and Division Staff develop and finalize an overall strategic budget plan for the Sheriff's Office by May 15
    (a) Individual Division budget requests are subsequently developed to support the overall strategic plan and individual Division goals
5. Preliminary Division personnel requests to Human Resources, Buildings and Grounds Special Projects, Phone Service Requests, Cellular Requests and Information Services Resource requests are developed and presented by the Finance Manager to the Sheriff and Undersheriff by June 1

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(a) Approved requests are subsequently submitted by each Division within County submission deadlines

6. Send copies of submitted materials to the Finance Manager

7. Divisions assist the Finance Manager in developing a preliminary program line item budget spreadsheet by June 1 that includes each Division program reflecting current year approved allocations and requested budget allocations

(a) Individual Programs reflect all revenue and expenditure line items and allocated Full Time Equivalent (FTE) positions necessary to support each program

(b) Supporting working budget development documents will be available upon request

(c) Base Administration Division programs are:

i. Administration (1000-21100)

ii. Professional Standards & Training (1000-21120)

iii. Support Services (1000-21140)

iv. Records (1000-21150)

v. Evidence (1000-21160)

(d) Base Detention Division programs are:

i. Booking (1000-21110)

ii. Inmate Services (1000-24410)

iii. Security Unit (1000-24415)

iv. Courts & Transports (1000-24420)

(e) Base Patrol programs are:

i. Patrol (1000-21200)

ii. Criminal Investigation (1000-21205)

iii. Contract Services (1000-21210)

iv. School Resource Officer (1000-21215)

v. Ordinance Enforcement (1000-21230)

vi. Civil Unit (1000-21130)

vii. Regional Forensic Laboratory (1000-21260)

viii. Victim Services (1000-21300)

ix. Drug Task Force (1000-21410)

(f) Additional programs may be added as necessary with the approval of the Undersheriff

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(g) Division staff assist the Finance Manager to develop and submit a preliminary budget unit ranking of Program or activity net costs for the lowest 10% of Division funding priorities for each Division by June 15

i. Ranked priorities should represent material net cost values

1. Example: In a $1 million net budget, a $1,000 net expenditure (.1%) is not a material expense that should be ranked

8. Forward preliminary Division program line item budget spreadsheets and Division budget ranking forms to the Finance Manager

9. The Sheriff, Undersheriff and Finance Manager review Division budget requests and develop a final budget request

(a) Approved program line item budget requests are completed for County budget submission by the Finance Manager to include all required County budget submission materials identified on the County Budget Checklist in the Weld County Budget Manual

(b) Final Division budget line item requests are summarized in a Sheriff Office master budget by the Finance Manager

10. All final approved Division budget request materials to be submitted to the County are provided to the Finance Manager by a deadline date set at the beginning of each year

11. The Undersheriff ensures all Sheriff Office budget materials are submitted to the County within County submission deadlines

12. The Finance Manager gives current approved, year-to-date budget status reports at general staff meetings monthly

(a) A standard budget report format is provided to Division Captains by the Finance Manager

(b) Reports include unusual budget conditions and proposed resolutions when required

(c) The Division Captains are responsible to immediately contact the Undersheriff whenever unusual or exceptional budget conditions may result in a material impact on Division goals, performance objectives, key performance indicators or the approved current budget year appropriation

13. The Finance Manager reports to the Administrative Division Captain. The Finance Manager may report directly to the Undersheriff or Sheriff for certain fiscal reporting items or situations that require the approval of the Sheriff or his designee.

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Inventory Control

1109.1 REFERENCES

Colorado Revised Statute 29-1-506

Weld County Code 5-6-30 Inventory

Weld County Code 5-6-40 Moving of Equipment

1109.2 RATIONALE

A process essential to continuous public accountability of real and personal property purchased, owned and maintained by Weld County Government.

1109.3 DEFINITIONS

Real Property - Anything erected, growing upon or affixed to land. Real property is permanent and immovable.

Personal Property - Moveable and tangible items including vehicles, equipment furniture and merchandise. Personal property is property that can be felt or touched.

1109.4 PROCEDURE

1. Sheriff receives annual inventory memorandum and inventory list from Weld County Controller.
2. Administration Division is responsible to conduct inventory for all divisions, verifying the location of the property/equipment; serial/VIN number; County asset number.
3. Employee/s conducting the inventory records their initials, date and time next to the property/equipment listed on the inventory list.
4. Return inventory list to the Administration Division Lieutenant
5. Administration Division Lieutenant or designee will make a copy of the completed inventory lists and file for agency records keeping.
    (a) Draft a memorandum of completion and forward the original inventory list to the Weld County Controller.

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Procurement

1110.1 REFERENCES

Weld County Code §5-4-10 through §5-4-200

Weld County Sheriff's Office Policies; Procurement, Budget, Common Carrier Deliveries, and Travel and Training Reimbursement

1110.2 RATIONALE

A procurement process encourages competition, competitive pricing and the efficient and effective use of public resources.

1110.3 DEFINITIONS

Purchasing Department - The County department tasked with purchasing supplies, services, materials, and equipment; in addition, the department oversees request for information (RFI), request for qualification (RFQ), request for proposal (RFP), and request for bid (RFB) processes.

Procurement - The purchase of equipment, supplies, materials, and services necessary to support the daily operations of the Sheriff's Office

Purchases - The term "Purchases" is defined and categorized as follows:

- Small Purchases are transactions of less than $10,000.00.
- Informal Purchases are transactions of $10,000.00 and up to $50,000.00.
- Formal Purchases are transactions greater than $50,000.00, and all vehicle purchases, that must be processed through the Purchasing Department.

Requisition Form - The electronic form utilized by the Sheriff's Office to request, and/or document, the purchase of supplies, services, materials, or equipment.

1110.4 PURCHASE PARAMETERS

(a) Small Purchases (< $10,000): The authority to make transactions under $10,000.00 is delegated to Department Heads.

  (a) Price quotes and purchase orders are not required; however, it is expected that purchases are made in the best interest of the County.

  (b) There are three options for making small purchases

    i. Submission of a Requisition Form to the Purchasing Department

    ii. A vendor-generated invoice for direct pay

    iii. Use of a procurement card (P-Card); subject to the limitations of County Code §5-4-190.

(b) Informal Purchases ($10,000-$50,000): The authority to make transactions between $5,000.00 and $25,000 is delegated to Department Heads.

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(a) Bids should be obtained for informal purchases, to ensure fair and open competition and to maintain fiscal responsibility.

(b) There are two options for making an informal purchase

i. Submission of a Requisition Form to the Purchasing Department

ii. Direct solicitation to qualified vendors by the Sheriff's Office

(c) Whenever possible, a minimum of three (3) bids should be obtained

i. The bid results must be sent to the Purchasing Department to be maintained as open records

ii. The bids may be received in writing, via email, or via facsimile

(d) When using a previously obtained bid, to make a subsequent purchase, the bid must have been obtained within the past twelve months

(e) If the low bid is not acceptable, a clear, concise, factual justification for not accepting the lowest bid must be written and sent to the Purchasing Department.

(c) Formal Purchases (>$50,000 and all vehicle purchases): all formal purchases must go through the formal bid process.

(a) Formal purchases and the bid process are initiated by submitting an official memo to the Purchasing Department

i. Formal purchases may also require an RFI, RFQ, or RFP

(b) All vendor representatives will be received by the Purchasing Department

i. The Purchasing Department will arrange interviews with Sheriff's Office staff when necessary

ii. Vendor solicitation in the Sheriff's Office is not permitted unless approval is received from the Purchasing Department

1. Vendor contacts directly with the Sheriff's Office shall be immediately referred to the Department of Purchasing

iii. All vendor correspondence shall originate in the Purchasing Department

1. When necessary to correspond with vendors on some technical matter, copies of that correspondence will be sent to the Purchasing Department

(c) All contracts must be approved and executed by the Board of County Commissioners

i. Any contract made in violation shall be void and no funds shall be paid

1110.5 PROCEDURE

1. No expenditure, contract or incurred liability shall exceed the amount appropriated in an approved budget for any fiscal year

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2. No employee may purchase goods or services without following the proper purchasing procedures
    (a) Emergency purchases are exempt from the procurement process, per County Code §5-4-80 (27), specifically when;
        i. Human life, safety, health, or County property is in jeopardy.
        ii. Equipment repairs involving hidden dangers are needed.
        iii. Repairs are immediately needed for equipment where delay would lead to higher expense
    (b) Ammunition purchases are exempt for the procurement process, per County Code §5-4-80 (32), when criteria other than price are considered paramount; i.e. quantity, quality, delivery date.
3. Any goods or services purchased without proper purchasing procedures will not be paid by the County and will become the personal liability of the individual making commitment to the vendor for the illegal purchase

1110.5.1 REQUISITION PROCESS

(a) All requisitions for purchase must be submitted on the electronic Requisition Form See attachment: WCSO Requisition Form.pdf
    (a) Include as much information as possible
    (b) Specific, identified blocks are required to be completed prior to submission
    (c) Electronically sign the form by clicking the "Requested By" block and then saving the document.
    (d) Forward the document, via email, to your Lieutenant or Captain
        i. If a quote is advisable, or required, scan copies of the quotes and attach them to the email
(b) The Lieutenant or Captain should review the Requisition Form for accuracy and ensure it is an approved, budgeted purchase
    (a) Indicate approval of the purchase by completing the electronic signature in the "Authorized By" block and save the document
    (b) Forward the document for budgeted purchases, via email, to the Finance Manager for review
    (c) Forward the document for non-budgeted purchases, via email, to the Sheriff or Undersheriff for review and approval
(c) The Finance Manager
    (a) Reviews the document for consistency with the Banner System
    (b) Determines if the purchase meets the criteria of a small, informal, or formal purchase
    (c) Archives a copy for tracking and audit purposes

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(d) Forwards the document, via email, to the Sheriff's Office Purchasing Technician

(d) The Purchasing Technician

(a) Routes the Requisition Form accordingly or places the order.

i. After a purchase requisition has been submitted to the Purchasing Department, all contact with existing potential suppliers shall be made by, or with, the knowledge and approval of the Purchasing Department

(e) Upon delivery of ordered items

(a) See General Order – Common Carrier Deliveries if delivery involves a common carrier

(b) Forward all receipts or receiving documents to the Sheriff's Office Purchasing Technician, for processing

i. Exception: Forward North Jail food/kitchen and inmate medical related receipts and receiving documents to the North Jail Kitchen Manager or North Jail Health Services Administrator, respectively

1110.5.2 PURCHASE CARDS (P-CARDS AND FUEL CREDIT CARDS)

(a) P-Cards are a direct pay purchase card intended for maintenance, repair, operation, and other low-value purchases needed during the course of business.

(a) P-Cards are issued to authorized personnel only (see Appendix A for authorized users)

i. Unauthorized purchases include, but are not limited to;

1. Items for personal use.

2. Cash withdrawals.

3. Direct marketing.

4. Any product, service, or merchant considered as inappropriate for County funds.

5. Meals or snacks; except for meals purchased in accordance with the guidelines of the Travel and Training Reimbursement policy or meals purchased during a major event that requires personnel to remain on scene (i.e. homicide investigation or emergency operations for a weather-related event).

ii. Failure to comply with the above guidelines for authorized purchases under the P-Card Program may result in disciplinary action, cancellation of card privileges, and possible termination of employment.

(b) The P-Card may be used at any merchant that accepts Visa.

(c) The P-Card may be used, within the County limitations and restrictions, for in-store purchases, as well as phone, fax, or mail orders

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(d) Limitations and restrictions. There are restrictions and limitations based upon the established purchasing policy.

i. Single-transaction and monthly dollar limits are placed on each P-Card.

1. Purchases will not be split to avoid the single transaction limit.

ii. The P-Card Program also allows for merchant category blocking.

1. If a merchant category is blocked, purchases at applicable merchants will be declined.

2. If a purchase is refused, but is believed to be appropriate, contact the Finance Manager, who will work with the Accounting Department to determine a solution.

(e) Any sales slips signed by employees must clearly include the name of the employee, the Division making the purchase, the purpose, and any guest employees (Example: John Doe, Sheriff's Office Patrol Division, Lunch or Supplies, guest names)

(b) Fuel credit cards are a direct pay card used to purchase fuel

(a) Fuel cards are issued to authorized personnel only (see Appendix A for authorized users)

(b) Use only at fuel stations accepting credit cards as payment

I. Pay at the pump, insert card, enter PIN

II. Pay in person, present fuel card and County ID, enter PIN

III. Obtain receipt(s) and return receipts to the Sheriff's Office Purchasing Technician

1. Add a note on why the Weld County fuel pumps were not used; i.e. pumps down or travelling out of town

1110.5.3 APPENDIX A
Authorized Personnel/Purchase Cards:

(a) Sheriff

(b) Undersheriff

(c) Division Captains

(d) Patrol Division Lieutenants

(e) Internal Affairs Sergeant

(f) Transportation Courts/Sergeants

(g) Transportation Deputies

(h) Investigations Sergeants

(i) Administration Division Office Technicians

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(j) Training

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Common Carrier Deliveries

1111.1 REFERENCES
Weld County Code 5-4-140

1111.2 RATIONALE
Products procured with public resources will be carefully examined at the time of delivery to insure responsible use of public funds.

1111.3 DEFINITIONS
Common carrier—transportation company regulated by the Interstate Commerce Commission (ICC) in the business of transporting freight interstate

Concealed damage—damage to products or materials that was not obvious from packaging at the time of delivery

Visible damage—obvious damage packaging and products delivered to the Sheriff's Office

1111.4 PROCEDURE
1. Delivery from common carriers will be accepted even when damage is visible or concealed
2. Document visible damage on both copies of the receiving ticket
    (a) Note "case damaged in shipment" on both copies of the receiving ticket
        i. If both the container and contents are visibly damaged, include "item visibly damaged" on both copies of the receiving ticket
    (b) Give one copy of the receiving ticket to the trucker
    (c) Forward one copy of the receiving ticket with a written explanation to the Department of Purchasing
3. Open packaging and inspect the merchandise as soon as possible following receipt from a common carrier
    (a) Report any discrepancies or damage to the Department of Purchasing
    (b) DO NOT destroy the damaged item or any packaging materials
        i. The Department of Purchasing has 15 days in which to file a claim for damage with a common carrier pursuant to ICC rules

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Standards of Conduct

1112.1 REFERENCES

Weld County Home Rule Charter, as amended,

Weld County Code,

Board of County Commissioners of Weld v. Harold Andrews, Sheriff, 83CA0409

1112.2 RATIONALE

Actions of Detention Deputies, Patrol Deputies, Reserve Deputies, Posse volunteers, Law Enforcement Post Explorers and Sheriff's Office employees that are inconsistent, incompatible or in conflict with the values established by the Sheriff's Office negatively impact its reputation and that of every member of the organization. Such actions and inactions thereby detract from the overall ability of the Sheriff's Office to maintain the confidence of the public, effectively and efficiently maintain peace and order, and conduct other essential business.

1112.3 DEFINITIONS

Accountable—within the context of this directive, means the duty of all deputies and employees to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of the Sheriff's Office without deception or subterfuge

Employee—for the purposes of this directive, any paid employee, private contractor employee, contract employee, deputy or unpaid volunteer working or providing services for the Sheriff's Office

Gratuity—any benefit not available to the general public that is afforded by any individual, group, or entity to an deputy, employee, or others because the deputy or employee is affiliated with the Sheriff's Office. Police equipment discounts as a standard business practice at law enforcement equipment retailers and general emergency service worker discount campaigns by retailers are excluded.

Deputy(s)—Detention Deputy, Patrol Deputy, Reserve Deputy, Posse volunteers or law enforcement post Explorers

Reasonable Suspicion—synonymous with the term "cause"; objective facts and the rational inferences which may be drawn from those facts

Under Color of Authority—any act within the scope of official duties for a Detention Deputy, Patrol Deputy, Reserve Deputy, Posse volunteer or Law Enforcement Post Explorer

1112.6 RULES

(a) This directive supplements the Weld County Code, as amended

  (a) All employees are responsible to comply both with the Weld County Code and this directive

    i. On-and off-duty conduct of employees shall comply with the standards of conduct listed in this directive

  (b) All employees are responsible to comply with the Weld County Code and this directive where specifically indicated in this directive

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(b) Obedience to Laws, Regulations and Orders

(a) All employees shall not violate any law or any agency policy, written directive or procedure

(b) All employees shall obey all lawful orders

(c) All employees shall comply with lawful orders of the court and be adequately prepared to testify if called as a witness

(c) Conduct Unbecoming

(a) Employees shall not engage in any conduct or activities on-or off-duty that reflect discredit on the members of the Sheriff's Office, tend to bring the agency into disrepute, or impair its efficient and effective operations

(b) On-duty employees shall remain alert and vigilant in the performance of assignments and duties

(d) Accountability, Responsibility, and Discipline

(a) All employees are directly accountable for their actions through the chain of command to the Sheriff

(b) All employees shall cooperate fully in any formal or informal administrative investigation conducted by the Sheriff's Office and shall provide complete and accurate information in regard to any issue under investigation

(c) All employees shall be accurate, complete, and truthful in all matters

(d) All employees shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation

(e) All employees who are arrested, cited or come under investigation for any criminal offense in this or any other jurisdiction shall report this fact to a supervisor as soon as possible

(a) All employees have a duty to report to a supervisor when any immediate family member is arrested, cited or comes under investigation for any criminal offense in this or any other jurisdiction

(f) All employees shall promptly report any damage to, or the loss of, County property entrusted to their use, custody or care

(e) Conduct Toward Fellow Employees

(a) All employees shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another

(b) Employees shall not use language or engage in acts that demean, harass, or intimidate another person

(c) Employees shall not record conversations without the express knowledge and consent of the parties to the conversation unless the recording is evidence in an official criminal or administrative investigation

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(f) Conduct Toward the Public

(a) Employees shall conduct themselves toward the public in a civil and professional manner that exemplifies a service orientation and is likely to foster public respect and cooperation

i. Requests for a return call from any person shall be promptly completed by deputies and employees

ii. All employees shall maintain reasonable contact with parties at interest during active investigations or administrative processes and promptly advise of changes in the status of an investigation, administrative process or case reclassification

(b) Employees shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty

(c) Employees shall identify themselves when requested by a member of the public unless identification would jeopardize safety, an investigation or hinder a police function

i. Deputies, even when in uniform, shall produce and display agency issued credentials when requested

ii. All employees shall provide their name, radio/computer sign-on number

1. A business card shall be provided when issued to the deputy or employee by the agency

(d) While recognizing the need to demonstrate authority and control over criminal suspects, prisoners or inmates, deputies shall adhere to the Sheriff's use-of-force policy, observe the civil rights and protect the wellbeing of those in their charge

(g) Use of Alcohol and Drugs

(a) Employees shall not consume any intoxicating beverage while on duty unless authorized by a supervisor

(b) No alcoholic beverage shall be served or consumed on Weld County premises or in vehicles owned or controlled by Weld County

(c) No employee shall report for duty with the odor of alcoholic beverage on his or her breath

(d) No deputy shall report to work or be on duty as peace officer when his or her judgment or physical condition has been impaired by alcohol, over the-counter or prescribed medication or other substances

(e) employees must report the use of any substance, prior to reporting for duty, that may impair their ability to perform

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(f) Supervisors shall order a drug or alcohol screening test when there is reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol while on duty or working

(h) Use of Tobacco Products

(a) Employees shall not use any tobacco or simulated tobacco product including, but not limited to, both smoke and smokeless tobacco while conducting official business in public view

(b) Tobacco products are not allowed inside the secure perimeter of the Jail

(c) Employees shall not smoke or simulate smoking in County buildings or vehicles

i. Smoking is allowed only during regular break times in designated areas 50 feet from building entrances

(i) Abuse of Law Enforcement Powers or Position

(a) Employees shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit or accept any goods or services (to include gratuities, gifts, discounts, rewards, loans or fees) whether for the officer or for another

(b) Employees shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property or any property held or released as evidence

(c) Employees shall not solicit or accept contributions for the Sheriff's Office or for any other agency, organization, event, or cause without the express consent of the Sheriff or his/her designee

(d) Employees shall not access and/or disseminate any information available to them as a result of employment at the Sheriff's Office for personal reasons

(e) Employees are prohibited from using information gained through their position to advance financial or other private interests of themselves or others

(f) Employees are prohibited from using public equipment and resources for personal benefit

i. Computing resources are restricted to official business use (Examples of prohibited use includes, but is not limited to, recreational games, sexually offensive material, personal photos, music or video and any personal use)

ii. Incidental and occasional personal use of email is permitted (Examples of prohibited use includes, but is not limited to, use for personal profit or gain, transmission of political messages, solicitation of funds for political or other purposes, sending offensive, harassing or lewd messages)

(j) Off-Duty Police Action

(a) Deputies shall not use their police powers to resolve personal grievances (e.g., those involving the deputy, family members, relatives, friends or neighbors) except under circumstances that would justify the use of self-defense, actions to

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prevent injury to another person, or when a serious offense has been committed that would justify an arrest

i. In all other cases, deputies shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention

(b) Unless operating a marked law enforcement vehicle, off-duty deputies shall not arrest or issue citations or warning to traffic violators on sight, except when the violation is of such a dangerous nature that deputies would reasonably be expected to take appropriate action

(k) Prohibited Associations and Establishments

(a) Employees shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody, or under the supervision of, the Sheriff's Office

(b) Employees shall not knowingly commence or maintain a personal relationship with any person:

i. Who is under criminal investigation, indictment, arrest, or incarceration or supervision of the Weld County Sheriff's Office or another police or criminal justice agency; or,

ii. Who has an open and notorious criminal reputation in the community (e.g., persons whom they know, should know, or have reason to believe are currently or previously involved in felonious activity)

iii. Except as necessary to the performance of official duties or where unavoidable because of familial relationships

(c) Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies

(l) Public Statements, Appearances, and Endorsements

(a) Employees shall not, under color of authority:

i. Make any public statement that could be reasonably interpreted as having an adverse effect upon Sheriff's Office morale, discipline, agency operations, or perception of the public

ii. Divulge or willfully permit to have divulged, any information gained by reason of the position, for anything other than its official, authorized purpose

iii. Unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of the Sheriff

(m) Endorsements

(a) Employees may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services including, but not limited to, tow

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services, repair firms, security companies, attorneys, bail bondsman, or other technical or professional services

i. This does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements

(n) Political Activity

(a) Employees shall not engage in any political activity during work time or on public property. Examples of prohibited activity include, but are not limited to:

i. Placing or affixing any campaign literature on public owned property

ii. Soliciting political funds from any member of the Sheriff's Office or another governmental agency

iii. Soliciting contributions, signatures, or other forms of support for political candidates, parties or ballot measures on public owned property

iv. Using official authority to interfere with any election or interfere with the political actions of other employees or the general public

v. Favoring or discriminating against any person seeking employment because of political opinions or affiliations

vi. Participating in any type of political activity, on-or off-duty, while in uniform

(o) Expectations of Privacy

(a) Employees shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, county owned vehicles, file cabinets, computers, or similar areas that are under the control and management of the Sheriff's Office

i. While personal items may occasionally be stored in these locations, these and similar places are subject to inspection or may otherwise be searched

ii. No member of the Sheriff's Office shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of the Sheriff's Office without the express permission of the Sheriff

1. Temporary report copies for the sole purpose of court testimony preparation are excluded

(p) Reporting violations

(a) All employees who observe or otherwise become aware of any other supervisor, deputy or employee violating one or more of the foregoing rules of expected conduct shall report such violations to their supervisor

i. Reports of rule violations should be made to the supervisor's next level in the chain of command or Internal Affairs Sergeant when a supervisor is the reported violator

(q) Violating one of more of the foregoing rules of expected conduct by employees, may result in disciplinary action up to, and including, termination

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Supervision

1113.1 RATIONALE

Effective and efficient command, control and communication are furthered by a hierarchal chain-of-command organizational structure and accountability.

1113.2 DEFINITIONS

Accountability—for the purpose of this directive, accountability means personal responsibility for actions that are personally taken or for the actions of others when the authority to act is delegated

Chain-of-Command—a hierarchical order of supervisors through which authority is delegated from top management to every agency employee at every level of the organization. Generally speaking, direction or instructions flow downward along the chain of command and accountability flows upward.

Open Door—a Sheriff's policy that allows any subordinate in the chain-of-command to directly communicate with the Sheriff without retribution. Open door, however, is not an alternative to following the chain of command to resolve work-related conflicts.

Unity-of-Command-- a subordinate being responsible to only one supervisor at any time and a supervisor giving direction or orders only to subordinates the supervisor is responsible for

1113.3 PROCEDURE

(a) The basic chain of command from the Sheriff to an employee is Sheriff to Undersheriff, Undersheriff to Division Captain, Division Captain to Lieutenant, Lieutenant to Sergeant or Unit Supervisor, Sergeant or Unit Supervisor to detentions deputy, patrol deputy, other subordinates or employees

    (a) **Booking Corporals largely exercise their authority in a Booking/Detentions environment

        (a) Supervisors in the chain of command will maintain the unity of command

        (b) All supervisors, deputies and employees are responsible to ask for clarification when the unity of command is unclear

        (c) Exceptions to the chain of command are allowed to report misconduct, a crime or excessive force

(b) Subordinates receiving an order or direction from a supervisor in the chain of command are responsible to tell the supervisor when that order or directive is in conflict with that from another supervisor

    (a) If circumstances do not allow the opportunity to resolve conflicting orders, subordinates are expected to follow the most recent directive and seek to resolve the conflict at the earliest opportunity

(c) Subordinates finding a conflict in written directives are responsible to inform a supervisor in the chain of command to resolve the conflict

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(a) If circumstances do not allow the opportunity to resolve the conflict, subordinates are expected to follow the most recent written directive and seek to resolve the conflict at the earliest opportunity

(d) A subordinate having conflict with a supervisor will first attempt to resolve the conflict directly with that superior

(a) Exceptions are allowed for cases of misconduct, criminal activity or excessive force

(b) If conflict remains unresolved, a subordinate may schedule a meeting with his/her supervisor and the next person in the chain of command to attempt resolution

i. The process may be continued through successive levels of the chain of command to the Sheriff or Undersheriff

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Peace Officer Credibility Disclosure Notifications

1114.1 REFERENCES

Brady v. Maryland, 373 U.S. 83 (1963);

Giglio v. United States, 405 U.S. 150 (1972);

United States v. Agurs, 427 U.S. 97 (1976);

United States v. Bagley, 473 U.S. 667 (1985);

Kyles v. Whitley, 514 U.S. 419 (1995);

Colorado Criminal Code Procedure: Rule 16 Disclosure to the Defense(a)(VII)(2);

Weld County Code Chapter 3 Human Resources, Article 1, Sec 3-1-40A Personnel Records (as amended); Article 4, Discipline and Grievance (as amended);

Colorado SB 21-174

1114.2 RATIONALE

Consistent with the requirements under state law, this policy seeks to establish uniform and consistent standards requiring the agency to disclose specific information to district attorneys that may impact the credibility of a deputy in a criminal prosecution, and to increase transparency to allow members of the public to access information concerning deputies who are subject to a credibility disclosure notification.

1114.3 DEFINITIONS

Brady Material - evidence that is favorable to the defendant as held by the U.S. Supreme Court in Brady v. Maryland 373 U.S. 83 (1963). These are materials that would have a reasonable probability of altering the results in a trial, mitigating the sentencing of a defendant or that may be relevant to the credibility of government witnesses, i.e., impeachment materials

Credibility Disclosure Notification - the notification described in C.R.S. 16-2.5-502(2)(c).

Official Criminal Justice Record - any handwritten or electronically produced report or documentation that the agency requires a deputy to complete as part of the deputy's official duties, for the purpose of serving as the agency's official documentation of an incident, call for service, response to an alleged or suspected crime, a use of force, or during a custodial arrest or the direct supervision of a person who is in custody. Official criminal justice records also include any other reports or documents that the agency requires a deputy to complete as part of the deputy's official duties where the deputy knows or should know the information included may be relevant to an ongoing or future criminal or administrative investigation.

Untruthfulness or Dishonesty - conduct that involves a knowing misrepresentation, including but not limited to intentionally untruthful statement, knowing omissions of material information, and knowingly providing or withholding information with an intent to deceive or mislead except as lawfully utilized as part of an investigatory procedure.

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Sustained finding - a final determination by the agency, following the agency's administrative procedures for investigating and reviewing alleged misconduct by a deputy ono the merits.

1114.4 AGENCY OBLIGATION TO PROVIDE DEPUTY CREDIBILITY DISCLOSURE NOTIFICATION

Notwithstanding any other procedures or existing legal requirements regarding the disclosure of exculpatory evidence in a criminal proceeding, the agency shall:

(a) Promptly notify the district attorney's office in writing, of any sustained finding made on or after January 1, 2022, where a deputy:

1. Knowingly made an untruthful statement concerning a material fact, knowingly omitted a material fact in an official criminal justice record, or knowingly omitted a material fact while testifying under oath or during an internal affairs investigation or administrative investigation and disciplinary process;
2. Demonstrated a pattern of bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class;
3. Tampered with or fabricated evidence;
4. Been convicted of any crime involving dishonesty or has been charged with any felony or any crime involving dishonesty, or violated any policy of hte Sheriff's Office regarding dishonesty;
5. Violated any policy of the agency regarding dishonesty.

(b) In addition to the credibility disclosure notification, the agency shall also notify the district attorney as soon as practicable when a deputy is under a criminal or administrative investigation that if sustained, would require disclosure under 1115.4 (a), and where it also meets both of the following circumstances:

1. The deputy is a potential witness in a pending criminal prosecution in which a criminal defendant has been formally charged; and
2. The criminal or administrative investigation of the deputy involves an allegation related to the deputy's involvement in the defendant's pending criminal case.

(c) For disclosures related to 1115.4(b), the agency shall promptly notify the district attorney's office once the agency has completed the administrative process for investigating and evaluating the allegations on the merits.

1. If the agency determines through its administrative process that the criminal or administrative allegations are not sustained based on the merits, the agency should promptly notify the district attorney of the outcome and the agency or involved deputy may request that the district attorney's office remove the credibility disclosure notification from its records. However, nothing in this section shall require a district attorney to remove any credibility disclosure notification that was made to a defendant pursuant to Rule 16 in a pending criminal proceeding where the requirements of section 1115.4(b) applied at the time of the disclosure.

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(d) Prior to making any credibility disclosure notification required under section 1115.4(a) or (b), the agency must give the involved deputy at least seven (7) calendar days' notice of the agency's intent to send a credibility disclosure notification to the district attorney's office.

1. If seven (7) days's notice is not practicable due to an impending trial date, the agency shall provide as much notice to the involved deputy as is practicable under the circumstances.

1114.5 CREDIBILITY DISCLOSURE NOTIFICATION PROCEDURES

(a) The agency shall include the following information in the credibility disclosure notification to be provided in writing to the district attorney's office:

1. The deputy's name;
2. The name of the law enforcement agency that employs or employed the deputy at the time of the sustained findings or at the time of the criminal or administrative investigation;
3. The following statement: "This notification is to inform you that there is information in the agency's possession regarding [name of deputy] that may affect the deputy's credibility in court."
4. The applicable statutory provision identifying the basis for the credibility disclosure notification, including whether the notification is based on a sustained finding pursuant to section 1115.4(a) or whether the notification relates to an open criminal or administrative investigation pursuant to section 1115.4(b).

(b) The agency shall send the required credibility disclosure notification in writing, either electronically or by mail, to the contact(s) designated by the district attorney's office.

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Personal Leave

1115.1 REFERENCES
Weld County Code, Chapter 3, Personnel Policies, Article VI, Sec. 3-6-60

1115.2 RATIONALE
Conversion of sick leave hours to personal leave time is allowed under certain conditions by the Weld County Code but an approved absence on personal leave is discretionary based upon scheduling and other needs of the Sheriff's Office.

1115.3 DEFINITIONS
Personal Leave--a privilege granted to regular and job share employees that annually allows sick time hours to be converted to additional paid leave time off

1115.4 PROCEDURE
(a) Submit requests for personal leave to the immediate supervisor
    (a) Employees in initial review are ineligible
    (b) Regular employees must have a minimum of 40 accrued hours of sick time
(b) Supervisors are responsible to evaluate requests for personal leave request prior to making a decision
    (a) Check work schedules and assignments to determine if the timing of an additional absence on personal leave will adversely impact assignments, productivity or the needs of the Sheriff's Office
    (b) Verify the employee has a minimum of 40 current accrued sick time hours
    (c) Check the number of personnel leave hours used year to date on the prior month Leave Balance Report
        i. Confirm the requested personal leave hours will be used by December 15 of each calendar year
        ii. Personal leave cannot be advanced from a following year or carried over from a previous year
    (d) Consult Chapter 3, Weld County Code, to determine the number of hours allowed annually for regular and job share employees
(c) Supervisors approve or deny the request for personal leave
    (a) Notify the requesting employee and make any necessary schedule adjustments

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Leave and FMLA

1116.1 RATIONALE

Supervisors collaborate with the Human Resources Department to ensure subordinates have equal access to privilege of leave and rights afforded by the FMLA.

1116.2 DEFINITIONS

FMLA—acronym for Family Medical Leave Act. Allows qualifying employees up to 12 work weeks of unpaid leave in a 12-month period under certain qualifying conditions related to the employee, the employee's spouse, child, parent or up to 26 work weeks for qualifying military exigency related to the employee's spouse, son, daughter, parent or next of kin. **Sick Leave**—an earned privilege granted to regular and job share employees when, 1) An employee is unable to perform job duties because of illness, injury or any other disabling condition, or, 2) The employee has medical, surgical, dental or optical examinations or treatment, or, 3) The employee is required to care for members of his or her immediate family (spouse, child or parent) as defined under the FMLA up to a maximum of 40 hours total per calendar year.

1116.3 PROCEDURE

(a) All leave policies in the Weld County Code, Chapter 3, Article VI Leave Time Benefits will be strictly enforced

  (a) Nothing in this directive replaces the need to be thoroughly familiar with the Weld County Code, Chapter 3

(b) Reasonable effort to schedule planned non-FMLA medical treatment or appointments should be made so as to not unduly disrupt agency operations

(c) Report sick leave absences no less than one hour prior to regular starting time

  (a) Reporting an absence because of sick leave is encouraged at least two hours prior to regular shift starting times when assigned shift work

    i. Report sick leave absences to an on-duty supervisor

(d) Supervisors may ask a subordinate reporting a sick leave absence (non-FMLA absence ONLY) if the subordinate is hospitalized, under a doctor's care and how long the subordinate will be off

  (a) Do not ask for a diagnosis or inquire into a disability

  (b) If the subordinate is hospitalized, under a doctor's care or will be absent more than three (3) work days, refer the subordinate to HR

    i. Send an email to humanresources@co.weld.co.us including the subordinate's name and date of referral to alert HR

    ii. Consult with HR to determine if the sick leave absence qualifies as a non-FMLA absence

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(e) A supervisor may require an employee to provide a medical doctor’s verification that the employee has been seen at a clinic for an illness or a medical doctor’s verification of fitness for duty at any time for a non-FMLA absence

(f) Employee’s requiring sick leave after reporting to duty will be excused from duty as quickly as is reasonably possible

  (a) Do not ask for a diagnosis or inquire into a disability

(g) The Human Resources Department determines FMLA eligibility and manages FMLA

  (a) Human Resources will send a Designation Notice to the supervisor when FMLA applies

  (b) FMLA will not be charged as sick leave occurrences

  (c) Contact Human Resources to inquire about status or intent/ability to return to work—not the individual using leave

    i. Intermittent FMLA may be required for an approved Family Medical Leave

    ii. Intermittent FMLA may occur after a qualifying employee returns to work

      1. The employee is responsible to inform their supervisor that time off being requested is related to the FMLA claim

        (a) Any paid leave related to FMLA must be reported as FMLA related leave on the PeopleSoft time sheet

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Secondary Employment/ Off Duty Contract

1117.1 REFERENCES

Weld County Code, Chapter 3, Article II, Section 3-2-70 Outside Employment

1117.2 RATIONALE

All Weld County Sheriff’s Office employee’s primary obligation, responsibility, and duty are to the Weld County Sheriff’s Office. Because the nature of law enforcement requires Weld County Sheriff’s Office employees to work irregular duty schedules, and certain occupations inherently conflict with an employee's primary responsibility to the WCSO, the Sheriff may impose restrictions on outside employment.

All Weld County Sheriff’s Office employees who wish to work a secondary job shall receive the Sheriff’s approval via the chain of command prior to the secondary employment. Authorizations for outside employment are effective only for a specific job and employer and are non-transferable.

Deputies engaged in off duty contract wearing the Weld County Sheriffs Office uniform or in plainclothes are subject to the rules and regulations of the Weld County Sheriff’s Office. All such sworn employees are subject to inspection for compliance with Agency policy and procedures.

All off-duty contract work must be supported by a contractual agreement between the Sheriff’s Office, Board of County Commissioners and the entity requesting the contract labor.

1117.3 PROCEDURE

Secondary Employment

A. Submit a written memorandum to the Sheriff via chain-of-command that includes business name, description of the business, location, contact telephone number, hours to be worked.

(a) Intermediate supervisor/sergeant reviews the request for off-duty/secondary employment

(b) Documents their recommendations for approval or denial of the request.

(c) The Sheriff reviews and approves or denies the request

(a) The decision of the Sheriff is documented in writing on the memorandum and shall be final.

(b) A photocopy of the memorandum and Sheriff's decision is forwarded to the employee's personnel file and supervisor with a copy returned to the employee

(c) Employment approvals expire 12 months from date of approval. The requesting employee must submit a written request for off-duty/ secondary employment each 12-month period.

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A. Supervision

(a) Supervisors are responsible for monitoring work performance of employees/deputies working under their supervision.

(b) If an employee is found to be below acceptable standards the supervisor shall not authorize any off-duty employment request and may rescind or limit any off-duty employment requests already authorized.

(c) The following may also be grounds for denying or revoking permission to work in an off-duty capacity:

(a) Performance of outside employment while on duty

(b) Work that interferes or conflicts with public safety duties or availability for emergency duty

(c) When performance factors indicate off-duty employment impairs the ability to perform assigned duties

(d) Failure to file an off-duty employment request

A. Prohibition

(a) The following general prohibitions may be amended by the Sheriff, who makes final decisions on this issue, consistent with the interests of the agency. Employees are prohibited from working a secondary job under the following conditions:

(a) For any business that would constitute a conflict of interest or financial interests to include but not limited repossession work, service of civil process, private investigation or investigation for attorneys, any establishment that provides adult entertainment in the form of nude, semi-nude exhibitions, to include lewd sexually suggestive performance, etc., premises security or enforcement of "house rules" or any advocating of violence or unlawful activity.

(b) If the employment requires the deputy to wear a Weld County uniform.

(c) Deputies are not allowed to work at events whose primary source of income is from selling or dispensing alcohol, which is to be consumed on site. This includes, but is not limited to bartending at bars, nightclubs, raves, gatherings or other events.

(d) If disciplinary action has been imposed due to the result of the secondary employment.

(e) While on sick leave or restricted duty

Off-Duty Contract:

A. Administration Division Technician:

1. Posts via email available contract

2. Tracks contract scheduled hours

3. Completes billing

B. Deputies:

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1. Schedule contract time through Technician
2. If conflict, it is the responsibility of the Deputy to find a replacement for the assigned contract time and notify the Administration Division Technician and on-duty supervisor
3. Deputy works schedule; log in and out with dispatch
4. Deputies working off-duty contract in the capacity of a Weld County Deputy Sheriff will be held to the standard of on-duty deputies.

C. Supervision:

1. If a complaint is received about an off-duty deputy working in this capacity, the supervisor who received the complaint will follow WCSO policy and procedure in investigating the complaint.
2. On-duty supervisors perform periodic inspections at off-duty employment locations.

D. Prohibition:

1. Deputies who are currently being trained in the FTO program or Patrol Division Training Academy are prohibited from off-duty contract.
2. Off-duty contract will be prohibited to deputies under the following conditions, unless approved by the Sheriff:
   (a) If disciplinary action has been imposed, limiting off-duty contract or employment
3. While on sick leave or restricted duty
4. While on a leave of absence

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Accident and Injury Reporting

1118.1 RATIONALE

Work related accidents and injuries must be reported in order to provide for a safe workplace, protect others and effectively manage the risk of civil liability. Accurate and immediate reporting allows for hazardous situations to be promptly corrected and records created for future analysis and study. (Weld County Code 3-8-20 Reporting of Injuries)

1118.2 PROCEDURE

(a) All employees are required to report work related accidents and injuries to a supervisor immediately

    (a) Injuries occurring on county property to non-employees are required to be reported to a supervisor immediately

(b) Supervisors receiving an employee injury report shall insure any injured person has access to necessary medical treatment

    (a) Investigate the cause(s) of the injury or accident (SEE VEHICLE CRASH EXCEPTION)

        i. Notify superior if injury or accident is likely to result in temporary work restrictions or the loss of vehicle use

        ii. Notify the Human Resources Department if employee suffers serious bodily injury

    (b) Supervisors shall promptly investigate and document the investigation on required forms, found on Weld County Intranet, Human Resources

        i. Employee Written Notice of Injury to Employer (When employee injured)

        ii. Supervisor's Report of Employee Injury (When employee injured)

        iii. HIPAA Compliant Authorization for Release of Medical Information (When employee injury required treatment)

        iv. General Notice of Occurrence (When non-employee injured on county property)

        v. Weld County Vehicle Accident and Damage Report (County vehicle accident or damage)

        vi. Colorado State Traffic Accident Form (IF the employee was operating a County vehicle AND the vehicle crash investigation was completed by the Sheriff's Office, form located in Weld County Law Admin Building, Patrol area)

    (c) Weld County Property and Accident Damage Report (For county property other than vehicle)

    (d)

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(c) VEHICLE CRASH EXCEPTION: Supervisors shall insure vehicle crash investigations are completed when required by Colorado Revised Statutes

(a) The on-duty sergeant is responsible to determine if the investigation of a vehicle crash should be conducted by a law enforcement agency other than the Weld County Sheriff's Office

i. Outside law enforcement agency investigations shall be completed in the following circumstances:

1. County vehicle crashes result in injuries to anyone, OR;

2. There are aggregate damages over $5,000, OR;

3. There are additional vehicles not owned by Weld County involved

(b) An investigation by an outside agency is preferred unless exceptional circumstances exist

(c) The investigating agency will complete the Colorado State Traffic Accident Form, determine cause of crash, fault, and will determine if a summons is appropriate per the investigating agency's policy

(d) The on-duty sergeant will open a Supervisor Inquiry investigation

(d) Supervisors are responsible to take or recommend appropriate corrective and/or disciplinary action based on the findings of the administrative investigation

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Line of Duty Death / Severe Injury

1119.1 REFERENCES

Colorado C.O.P.S (Concerns of Police Survivors) Dr. Thomas Bennett, Iowa State Medical Examiner;

The Iowa Organization for Victim Assistance;

MADD/Polk County Chapter;

Polk County Victim Services; et el., In Person, In Time: Recommended Procedures for Death Notification, September 1992 pp. 2-5.

1119.2 RATIONALE

An employee line of duty death or serious injury is very traumatic and challenges every member of the Sheriff's Office to maintain effective organizational control and support. These types of events require a plan to ensure functional and emotional support to the aggrieved family of the affected employee.

1119.3 DEFINITIONS

Notification Team—a group of people designated to inform the immediate family of the employee's medical condition or death

Hospital Liaison—an individual responsible for coordinating the arrival of immediate survivors and family members, department personnel, the media, and others

Funeral Liaison—an individual responsible as the facilitator between the decedent employee's family and the department during the wake, visitation, funeral and graveside activities

Benefits Coordinator—an individual responsible for compiling injury or death related benefit information to the effected employee's family

Family Support Advocate—an individual appointed by the Sheriff to serve as a long-term liaison and support capacity for the surviving family

1119.4 PROCEDURE

(a) Employees are required to complete a written Emergency Notification Form the first day of employment

  (a) Emergency Notification Forms are required to be updated annually or sooner as employee personal information changes

    i. Return updated Emergency Notification Forms to the Personnel Liaison Technician, Law Enforcement Administration Building, Greeley, no later than January 15th of each year

A. **Agency Staff Notification**

(a) Appropriate staff shall be immediately notified in the event of a severe employee injury or death in the line of duty

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(a) The supervisor of the affected employee shall immediately notify their chain of command

i. The senior employee on duty at the time of the incident shall notify the next available supervisor in the chain of command when the involved employee is the on-duty supervisor

(b) The Division Captain of the involved employee is responsible to immediately notify the Undersheriff, Sheriff and Internal Affairs Sergeant

i. The Internal Affairs Sergeant is responsible to notify the Division Captains of the non-involved Divisions

1. The Division Captain of the non-involved Division is responsible to initiate notification down the chain of command in the affected Division and to the Administration Division Lieutenant

ii. The Undersheriff notifies the Public Information Officer, Victim Services and Agency Chaplin(s)

A. **Death or Serious Injury Notification**

(a) The Sheriff designates a Notification Team tasked with informing the immediately family of the employee's medical condition or death

(a) Members of the Notification Team should immediately review this directive Appendix A

A. **Assisting Survivors at the Hospital**

(a) The Sheriff and senior command staff, when possible, should join the family at the hospital in order to emphasize agency support

A. **Appointment of Department Coordination Personnel**

(a) The Sheriff or senior command staff designate and assign agency coordination personnel with duties defined in Appendices A-J (See attachment: Line of Duty Death checklists - Appendices A-J.pdf).

Appendix A Notification Team

Appendix B Hospital Liaison

Appendix C Office Liaison

Appendix D Funeral Liaison

Appendix E Benefits Coordinator

Appendix F Family Support Advocate

Appendix G Continued Support for the Family

Appendix H Inter-Office Issues

Appendix I Honors Accorded and Honor Guard

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Appendix J General Funeral Procedures

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Blood Borne Pathogen Exposure Control Plans

1120.1 RATIONALE

Any employee may be exposed to blood or other potentially infectious materials in the workplace. All blood or other potentially infectious material will be considered infectious regardless of the perceived status of the source or source individual. These considerations are fundamental to effectively manage the risk of exposure and provide for the health and safety of employees, public, visitors and offenders.

1120.2 DEFINITIONS

Universal precautions—a prevention strategy that assumes all blood and certain body fluids are potentially infectious and require infection control procedures using protective barriers.

Engineering controls--a prevention strategy that eliminates or reduces exposure to blood or potentially infectious material through the use or substitution of engineered machinery or equipment. Examples include, but are not limited to, self-capping syringe needles, ventilation systems such as a fume hood or a negative air pressure room.

Work Practice Controls--a prevention strategy that includes preplanning work, using common sense, practicing good housekeeping, and personal hygiene to minimize exposure to blood and potentially infectious body fluids.

Personal Protective Equipment (**PPE**)--equipment that creates a protective barrier to reduce the risk of exposure of an employee's skin or mucus membranes to potentially infective materials. Examples include, but are not limited to, gloves, masks, aprons, one-way CPR masks and protective eyewear.

1120.3 PROCEDURE

1. All employees shall observe universal precautions.
2. Each Division shall follow the current blood borne pathogen exposure control plan.
3. The current blood borne pathogen exposure control plan can be found in the following attachment:See attachment: 2024 WCSO Bloodborne Pathogen Exposure Control Plan.pdf

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Drug and Alcohol Workplace Safety

1121.1 RATIONALE

The Sheriff's Office is committed to a productive workplace that fosters excellence by maintaining a safe, drug-free and alcohol-free work environment. The improper use of drugs, use of illegal drugs or use of alcohol in the workplace is also inconsistent, incompatible or in conflict with the values established by the Sheriff's Office and negatively affects its reputation and that of every member of the organization. Such actions thereby detract from the overall ability of the Sheriff's Office to maintain the confidence of the public, maintain productive and safe workplace, effectively and efficiently maintain peace and order, and conduct other essential business.

1121.2 DEFINITIONS

Alcohol--the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol

Alcohol use--the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) containing alcohol

Controlled substance—synonymous with "prohibited drug," includes marijuana, cocaine, opiates, amphetamines, phencyclidine and other controlled substances, as permitted by Federal law

Designated Employer Representative—the position in the County Department of Human Resources

Medical Review Officer—a specially trained and certified physician

Reasonable suspicion-- synonymous with the term "cause"; objective facts and the rational inferences which may be drawn from those facts

1121.3 PROCEDURE

1. A drug and alcohol education and training program is provided to all employees and supervisors
    (a) Employees and supervisors should refer to the Weld County Code, 3-3-60 Drug-free workplace, and all sections of Chapter 3, Article XIV Implementation of Federal Motor Carrier Safety Administration Regulations for additional information regarding Drug and Alcohol Misuse
2. All prospective employees and incumbent County employees requesting transfer from outside the Sheriff's Office are required to undergo a pre-employment drug screen
    (a) Drug screens are paid for by Weld County
    (b) All offers of employment are contingent upon a satisfactory testing result
        i. An applicant or incumbent employee from outside the Sheriff's Office who tests positive will be denied employment with or transfer to the Sheriff's Office

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(c) Applicants who refuse to submit to testing will not be considered for employment with the Sheriff's Office

3. All supervisors are required to use and apply all aspects of this directive in an unbiased and impartial manner to all employees

   (a) Any supervisor who knowingly disregards the requirements of this directive, or is found to deliberately misuse this directive in regards to subordinates, shall be subject to disciplinary action up to, and including, termination

4. No employee will consume alcohol while working

   (a) "On call" personnel shall not consume alcohol when on call

   (b) No alcohol may be consumed within four (4) hours of reporting for work

   (c) No alcohol may be consumed for up to eight (8) hours following a county vehicle crash on-duty or until the driver of the vehicle undergoes a postcrash test, whichever occurs first

5. The use or ingestion of controlled substances at any time is strictly prohibited EXCEPT when the use is pursuant to the instruction of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job

   (a) Any employee taking such a substance at a physician's instruction must inform their supervisor of such drug use

      i. The County retains the right to verify the use with the employee's physician

6. Any employee who manufactures, distributes, dispenses, processes, sells, attempts to sell or arranges to sell a controlled substance to any other person, whether on or off County property, whether on or off duty, shall be subject to disciplinary action up to, and including, termination

7. No employee will perform or continue to perform work duties if a supervisor has actual knowledge that the employee's ability to safely perform his or her job is adversely effected because of the use of a controlled substance at any time or alcohol was consumed during the performance of duty or within four (4) hours prior of reporting to duty

8. All employees, regardless of position or rank at the Sheriff's Office, up to and including the Sheriff, are subject to testing for alcohol and controlled substances pursuant to this directive as a condition of employment

   (a) Refusal by an employee to submit to required testing or a failure to pass a drug or alcohol test will lead to disciplinary action up to, and including, termination

   (b) No employee who refuses to submit to a required drug or alcohol test will be permitted to continue to work

   (c) Refusal to take a test includes:

      i. Outright refusal to submit to a test or any part of the testing process

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ii. Failure to provide sufficient quantities of saliva, breath or urine to be tested without a valid medical explanation

iii. Failure to undergo a medical examination as directed by the Medical Review Officer or Designated Employer Representative

iv. Engaging in conduct that clearly obstructs the testing process

v. Refusal to sign the certification in Step 2 of the Breath Alcohol Testing Form

vi. Leaving the scene of a traffic crash without a valid reason before tests are conducted without notifying a supervisor of where the driver can be reached for testing

vii. Failure to appear for any test within a reasonable time as determined by a supervisor (except a pre-employment test)

viii. Failure to remain at the testing site until the testing process is complete

ix. In the case of a directly observed or monitored collection, failure to permit the observation or monitoring

x. Failure to take a second test as directed by the County or collector

xi. A verified adulterated or substituted test result as reported by the Medical Review Officer

(d) Any employee who tampers with, falsifies, substitutes or alters a urine sample, saliva or breath test, or who attempts to do so, shall be subject to disciplinary action up to, and including, termination

9. All required standards of confidentiality as defined in 49 CFR Part 382, Subpart D will be adhered to

(a) Testing records and results will be released only to the employee upon a written request and those authorized to receive such information

10. Drug and alcohol testing will conform to testing procedures identified in the Weld County Code, Sections 3-14-50 through 3-14-70.

11. All drug test results will be reviewed first by the Medical Review Officer

(a) The Medical Review Officer will notify the Designated Employer Representative of an employee drug test whether positive or negative

i. If the drug test result is positive, the Medical Review Officer will contact the employee to discuss the test, to determine if the positive result is valid and to notify the employee that he or she has seventy-two (72) hours to request a test of the split specimen

ii. The specific drug involved may be disclosed to the Designated Employer Representative

1. The levels detected will not be disclosed

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12. The Designated Employer Representative will notify the Internal Affairs Sergeant of positive test results
13. The following types of drug and alcohol testing will be performed (See attachment: Notice to Report to Drug and or Alcohol Test 2024.pdf):
    (a) Pre-employment testing (drug testing only)
    (b) Reasonable suspicion testing
    (c) Post-traffic crash testing
    (d) Random testing
14. Employees will be required to submit to a drug or alcohol test when a supervisor or other superior has a reasonable suspicion that the employee has used a controlled substance or misused alcohol
    (a) Direct an employee to undergo a reasonable suspicion test for alcohol only if such observations are made during, just preceding or just after the period of the workday that the employee is required to comply with the alcohol use prohibitions
        i. The alcohol test may be administered only just before, just after or during the period the employee is to report for work
    (b) An employee ordered to submit to a reasonable suspicion test shall be transported to the screening site by a supervisor or other person designated by the supervisor
        i. A reasonable suspicion test for alcohol must be performed within eight (8) hours following a determination that reasonable suspicion to test exists
            1. If a reasonable suspicion test is not performed within two (2) hours after such a determination, a supervisor will prepare and forward a record to the Internal Affairs Sergeant stating the reasons the test was not promptly administered
        ii. No employee suspected of alcohol misuse, as shown by the behavioral, speech or performance indicators of alcohol misuse, may perform or continue to work until an alcohol test is administered evidencing a blood alcohol concentration of 0.000, or at least twenty-four (24) hours have elapsed following the administration of the reasonable suspicion test
    (c) A written record of the observations leading to a controlled substance or alcohol reasonable suspicion test shall be made by the supervisor and forwarded to the Internal Affairs Sergeant within twenty-four (24) hours of the observation or before the test results are released, whichever is earlier
    (d) An employee who undergoes reasonable suspicion testing will be removed from the workplace pending the test results on a status of "administrative leave with pay"
        i. If the test results are negative, the employee will be returned to work (without loss of pay)

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ii. If the reasonable suspicion drug or alcohol test result is positive, the employee will be removed from the workplace on a status of "leave without pay" and subject to disciplinary action up to, and including, termination

15. A surviving driver of a County motor vehicle involved in a traffic crash within Weld County will be tested for both drugs and alcohol if the traffic crash involves any one or more of the following:

The loss of a human life

The driver is found to be at fault for the traffic crash

The crash resulted in an injury to any person that required immediate medical treatment away from the scene

The crash resulted in disabling damage to any motor vehicle that required towing services

(a) Drug tests must be performed within thirty-two (32) hours following a traffic crash

i. If the drug test is not administered within thirty-two (32) hours, efforts to test for drugs will discontinue and be documented in an administrative report by the supervisor forwarded to the Internal Affairs Sergeant stating the reasons the test was not promptly administered

(b) Alcohol tests should be performed within two (2) hours following a traffic crash, but in no instance later than eight (8) hours following a crash

i. A driver subject to post-crash testing must not consume alcohol for eight (8) hours following the crash or until he or she submits to an alcohol test, whichever comes first

(a) If the driver has not submitted to an alcohol test within two (2) hours of the crash, the supervisor will prepare a record forward to the Internal Affairs Sergeant stating the reason that the test was not administered promptly

(b) If the alcohol test is not administered within eight (8) hours after the crash, efforts to administer the test for alcohol will discontinue and be documented in administrative report by the supervisor forwarded to the Internal Affairs Sergeant stating the reasons the test was not promptly administered

(c) Post crash testing requirements shall not delay necessary medical attention of injured persons, nor will they prohibit a driver from leaving the scene to obtain assistance in responding to the crash or to obtain necessary emergency care

i. Drivers will remain readily available for thirty-two (32) hours or until post crash drug and alcohol tests have been completed

(a) The driver must ensure that the supervisor knows the drivers location for at least a thirty-two (32) hour period following a traffic crash or until the post crash drug and alcohol testing has been completed

ii. A driver who is not available for testing will be considered to have refused to submit to testing unless his or her unavailability is attributable to efforts to

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obtain assistance in responding to the crash or obtaining necessary emergency medical care

iii. If the post accident test results are negative, the employee will be returned to work (without loss of pay)

iv. If the post accident drug or alcohol test result is positive, the employee will be removed from the workplace on a status of "leave without pay" and subject to discipline, up to and including termination

(a) For the duration of the leave without pay, the driver cannot utilize any accrued sick or vacation leave

(b) At a minimum, the driver shall be subject to the same consequences applied to employees following a positive random drug or alcohol test

1. Random testing will be conducted for all employees, regardless of position or rank, at testing rates consistent with 25% of agency members tested for drugs annually and 10% of agency members tested for alcohol annually

(a) Random tests will be unannounced and spread reasonably throughout the year

i. There will be no pattern to when random tests will be conducted and all employees have an equal chance of being selected for testing from the random pool each time random tests are conducted

1. Employees remain in the pool even after being selected and tested meaning there is a potential for an employee to be selected for random testing more than once during a year

(b) Employees will be selected anonymously using an identification number having no correlation to actual employee names

i. The employee database and selection process is maintained by the Medical Review Officer

ii. In the event a randomly selected employee is absent from work on the day his or her test is scheduled, the employee may be notified at any time during the selection period

1. If the employee is gone for an extended period of time, an alternate shall be randomly selected for testing, the originally randomly selected employee shall be placed back in the pool and the number of employees randomly selected in the next selection period shall be increased accordingly

iii. In the event it is necessary to collect a urine specimen from an employee for random testing outside his or her regular work hours, the employee shall be paid for the extra time

(c) An employee must report to the collection site immediately after receiving notification of his or her selection from the random pool

i. The Medical Review Officer will contact the Employer Representative with which employees need to be tested

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1. The Designated Employer Representative will contact the Internal Affairs Sergeant who facilitates employee notification
2. Notification to employees to be tested shall be both verbally and in writing

(d) An employee whose random drug test is positive or whose alcohol test is greater than 0.000 will be removed from the workplace on a status of "leave without pay" and subject to discipline, up to and including termination

i. For the duration of the leave without pay, the employee cannot utilize any accrued sick or vacation leave

2. An employee who improperly uses alcohol after a traffic crash (before post-crash testing is complete) may not return to work without return-to-duty testing at the employee's expense

(a) Any positive return-to-duty drug test taken at the employee's expense, or return-to-duty alcohol test with a result greater than 0.000, taken at the employee's expense, will subject the employee to disciplinary action, up to and including termination

3. Drug test samples provide for a split sample procedure which requires a portion of each urine specimen to be retained in a separate, sealed container

(a) An employee whose urine test is positive may request from the Medical Review Officer that the split sample be tested at a separate laboratory approved by the U.S. Department of Health and Human Services

i. An employee request to test the split sample must be made within seventy-two (72) hours of learning of a verified positive test

1. Failure to make a timely request needs to be justified by an employee requesting split sample testing to the Medical Review Officer

ii. Unless the result of the split sample test invalidates the result of the original test, all costs associated with split sample testing will be the responsibility of the employee, including the costs of shipping and handling, transportation, testing and reporting to the Medical Review Officer

1. The County will assure that the spilt sample is tested in a timely manner if the employee cannot pay but the employee will reimburse the cost of the testing process to the County
2. If the result of the split sample test is negative, costs of split sample testing will be assumed by the County and the employee will be reinstated with no loss of seniority and paid for lost back wages

4. The County and Sheriff's Office will strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information

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(a) All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur

(b) Privacy of each tested employee shall be strictly maintained

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Applicant and Transfer Preference

1122.1 RATIONALE

Entry level applicants and persons seeking inter-department transfers are given additional consideration in written entry level job testing scores when there is evidence of military service, active agency volunteer service or service as a current agency employee.

1122.2 DEFINITIONS

Eligible applicant—persons with prior military service, active agency volunteer service and current employees

1122.3 PROCEDURE

(a) Only prior military service with an honorable discharge is eligible for preference

(b) The minimum adjustment for eligible employees is an additional 5 points added to the total raw score

  (a) Active agency volunteers or current employees with prior military service receive an additional 3 points for a maximum of 8 points

  (b) Military service alone receives 5 points

  (c) Active agency volunteers or current employees without military service receive 5 points

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Applicant Pre-Employment Screening

1123.1 RATIONALE

Applicant pre-screening must be initially evaluated to ensure applicants meet minimum qualifications and have desired personal characteristics consistent with Weld County Sheriff's Office Guiding Principles.

1123.2 DEFINITIONS

NeoGov—an internet based service advertising Sheriff's Office job openings and providing a means of effective management and progressive screening for applicants

1123.3 PROCEDURE

(a) Job openings are posted on NeoGov by Weld County Human Resource staff

(b) Applicants make initial application and answer a questionnaire establishing any required credentials for the position

1. The questionnaire includes questions regarding undesirable characteristics

(c) Submitted applications are automatically filtered allowing applications meeting basic requirements with no undesirable characteristics to be passed to the next step

1. Applicants not meeting minimum requirements will be disqualified and notified either by email or direct mailing, a choice the applicant makes during the application process.

(d) Applications not filtered out are reviewed by the Professional Standards Sergeant or designee for verification

(e) The applicants who participate in a formal agency testing process or interview and do not pass testing standards are disqualified

1. Applicants disqualified by testing or interview will be notified of the disqualification either by email or direct mailing, a choice the applicant makes during the application process

(f) Applicants for all deputy positions require a security clearance polygraph examination

1. Applicants for positions handling cash or criminal evidence are also subject to a polygraph examination
2. Applicants may be immediately disqualified based upon admissions or disclosures that do not meet minimum agency requirements
3. Applicants are not disqualified solely because of polygraph results
4. The polygraph examiner directly notifies the applicant of the disqualification and why
5. Polygraph results are forwarded to the Professional Standards Lieutenant
   (a) The results are reviewed and a recommendation is forwarded via chain of command to the Sheriff

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1. The applicant will be notified either by email or direct mailing, a choice the applicant makes during the application process, when the Sheriff supports the disqualification

(g) Applicants for safety sensitive job assignments require a psychological examination and physical assessment

1. Results are forwarded to the Administration Division Lieutenant

(a) The results are reviewed and a recommendation is forwarded via chain of command to the Sheriff

1. The applicant will be notified either by email or direct mailing, a choice the applicant makes during the application process, when the Sheriff supports the disqualification

(h) All applicants are subject to a detailed background investigation of information the applicant provides on a personal information questionnaire, information from the polygraph examiner’s report and other sources

1. Results are forwarded to the Administration Division Lieutenant

(a) The results are reviewed and a recommendation is forwarded via chain of command to the Sheriff

1. The applicant will be notified either by email or direct mailing, a choice the applicant makes during the application process, when the Sheriff supports the disqualification

(i) Disqualifications may be appealed by an applicant in writing to the Administration Division Lieutenant.

1. The Administration Division Lieutenant reviews the disqualification and makes a recommendation

2. The recommendation, appeal from the applicant and written documentation supporting the disqualification are submitted to the Sheriff through the chain of command

3. The Administration Division Lieutenant will notify the applicant of the outcome of the appeal by direct mailing

(j) Initial screening criteria related to criminal behavior, drug and alcohol use and behavior can be found in attachment: Pre-Employment.pdf.

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Lateral Entry Program

1124.1 RATIONALE

The Weld County Sheriff's Office appreciates potential candidates with previous law enforcement experience. Your decision to join the premier law enforcement agency in Northern Colorado can lead to a rewarding and fulfilling career. A benefit of your previous applicable law enforcement experience may include starting your career at a higher pay step. General guidelines are provided.

1124.2 DEFINITIONS

Full-Service Police/Law Enforcement Agency: An agency that responds to calls for service, conducts traffic enforcement, makes arrests and files criminal cases, without the assistance of another law enforcement agency

Patrol: Under general supervision, performs law enforcement and crime prevention duties for the protection of life and property; patrols an assigned area in a police car, on motorcycle or on foot, enforcing federal, state or municipal laws and ordinances.

Full-Service Detentions/Correctional Facility: An agency that provide 24-hour security coverage, intake and release of inmates, transportation to Courts, accounting for and management of inmates, administers inmate discipline.

Detentions: Under general supervision, performs enforcement and management duties for the protection of life and property in a jail setting, supervises inmates by enforcing federal, state or facility laws and regulations.

Current Experience: Continuous employment with a full-service detentions/correctional facility or a full-service police/law enforcement agency within one year of submitting the application with the Weld County Sheriff's Office.

1124.3 PROCEDURE

(a) A candidate for the Weld County Sheriff's Office (patrol or detentions) will have current experience with a full-service Police or Detentions agency or facility.

(b) A candidate must be Colorado POST certified or successfully challenge POST. (Patrol duties)

(c) Cumulative related service must include at least two (2) years of service as a full-time commissioned law enforcement officer/deputy. (Patrol)

1. Training academy or field training (FTO) is excluded.

(d) Cumulative related service must include at least two (2) years of service as a full-time correctional officer/deputy (Detentions)

1. Training academy or facility training (FTO) is excluded.

(e) Pay step upon hire will be based on years of service corresponding with the existing step schedule in Weld County Code.

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(f) Pay step upon hire, regardless of previous experience may not exceed step 6; all steps applicable at Sheriff's discretion.

1. Training records and most recent evaluations must be provided from candidate's previous agency.

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Fitness Standard

1125.1 REFERENCES

Weld County Sheriff Lexipol: Applicant Pre-Employment Screening
Weld County Sheriff Lexipol: Use of Force

1125.2 RATIONALE

The Weld County Sheriff's Office is committed to maintaining a physical standard by requiring all deputies to perform a Physical Abilities Test (PAT). The PAT is designed to measure essential job functions for all deputy positions. Successful completion of the PAT shall be considered an essential function. PAT courses are validated based upon a job task analysis in which the elements are germane to the physical requirements of the position(s). The analysis and validation should be established by external professional experts.

1125.3 DEFINITIONS

Physical Abilities Test (PAT): A job related physical test designed to measure essential job functions for all deputies.

Deputy: Uniformed personnel assigned to the Patrol Division, Administration Division, and the Detentions Division.

For Record – A PAT scheduled by Professional Standards where an official time will be recorded to determine if a deputy is physically able to perform the essential job functions of their current primary job assignment or can meet the physical fitness requirements for continued participation in SWAT or K9 units. A PAT for record includes the scheduled annual PAT, re-tests due to non-compliance with the PAT for - record, and a PAT administered after the return from an extended medical leave or extended work-related absence.

Not-for-Record – A PAT administered to determine suitability for future promotion or transfer, practice, training, measuring fitness progression or course familiarization. The time from a not-for-record PAT will not be used to determine if a deputy is physically able to perform the essential functions their current primary job assignment, but may be used for other administrative purposes such as a promotional process, determining suitability for future transfer to another Division, and assignment to a POST Academy, SWAT or K9 units.

Extended medical leave or extended work related absence: For purposes of this policy, a period of paid or unpaid leave in excess of 30 calendar days.

1125.4 GENERAL

Application Requirement: All applicants seeking employment as a deputy shall be required to meet physical fitness standards prior to their employment. Failure to pass the PAT will result in their application being placed on hold. Applicants may reattempt the PAT at the next regularly scheduled event.

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Applicants seeking employment as a Detentions Deputy are not expected to have prior training and will not be required to demonstrate the handcuffing and weapon fire events in the Detentions PAT. Applicants need to complete the course in 7 minutes and 45 seconds. After completion of the Detentions Academy, new Detentions Deputies will be required to successfully complete the full Detentions PAT. Passing the full Detention PAT indicates fit for duty readiness.

Applicants seeking employment as a Patrol Deputy will be required to pass the full Patrol PAT to indicate fit for duty readiness.

Applicants seeking WCSO sponsorship to a POST Academy or transfer from Detentions to Patrol will be required to pass the Patrol PAT not-for-record as part of the selection process. Any applicant who is unable to meet the standard of the Patrol PAT not-for-record will result in disqualification from the selection process.

Terms and Conditions of Employment: All prospective deputies must pass the PAT prior to employment. Current deputies must successfully pass the PAT for record once per calendar year for the duration of their employment.

The following PAT courses were validated in 2021 and are effective as of April 2022:

(a) Detentions Applicant PAT See attachment: Detentions Applicant PAT.pdf

(b) Detentions PAT See attachment: Detentions PAT.pdf

(c) Patrol PAT See attachment: Patrol PAT.pdf

(d) K-9 PAT See attachment: K-9 PAT.pdf

(e) SWAT PAT See attachment: SWAT PAT.pdf

1125.5 IMPLEMENTATION DATES

Minimum Requirements for the Physical Abilities Test:

(a) The PAT for record must be successfully completed once a year as scheduled by the Professional Standards Unit. The PAT test will be usually conducted in the 2nd quarter each year.

(b) The PAT course(s) not-for-record will be available for practice on the Saturdays when new hire / applicant testing is scheduled.

(c) Testing will be limited to daylight hours with due regard for extreme weather conditions as determined by the lead PAT specialist. No testing will be conducted during extreme weather conditions that pose a safety hazard.

(d) Deputies meeting the established minimum standard for a PAT for record will be deemed to be in compliance with the PAT policy.

(e) Deputies assigned to SWAT or K9 will be required to pass their collateral PAT for record instead of their primary assignment PAT.

(f) Individuals who do not meet the minimum standard on a PAT for record shall be considered to be out of compliance with the PAT.

(g) Transition exception to minimum requirements for current deputies:

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1. Effective April 1st, 2022 all detentions deputies will be required to participate in the PAT. All detentions deputies hired prior to April 1st, 2022 are required to complete the 2021 validated course on a yearly basis. Beginning April 1st, 2023, the completion time on a PAT for record must be 7 minutes and 45 seconds or less.
2. Effective April 1st, 2022, all patrol deputies will be required to participate in the PAT. All patrol deputies hired prior to April 1st, 2022 are required to complete the 2021 validated course on a yearly basis. Beginning April 1st, 2023, the completion time on a PAT for record must be 7 minutes and 45 seconds or less.
3. Effective April 1st, 2022, all K-9 deputies will be required to participate in the PAT. All K-9 deputies appointed prior to April 1st, 2022 are required to complete the 2021 validated course on a yearly basis. Beginning April 1st, 2023, the completion time on a PAT for record must be 9 minutes or less.
4. Effective April 1st, 2022 all SWAT deputies will be required to participate in the PAT. All SWAT deputies appointed prior to April 1st, 2022 are required to complete the 2021 validated course on a yearly basis. Beginning April 1st, 2023, the completion time on a PAT for record must be 12 minutes or less. This includes all members of the Weld County Multi-Jurisdictional SWAT team, excluding those assigned as Crisis Negotiators.
5. All deputies hired after April 30th, 2022 will have no transition exception and are expected to complete the PAT for record within the required time outlined in this policy.

1125.6 NON-COMPLIANCE WITH THE PHYSICAL ABILITIES TEST FOR RECORD (EFFECTIVE AFTER APRIL 1ST, 2023)

Any member who does not meet the standard of their primary assignment PAT for record (Patrol/ Detentions) will immediately be removed from active-duty and, at the discretion of the Sheriff or designee, may be placed on a modified duty status for a period of up to 30 calendar days.

Any deputy who does not meet the standard of their collateral duty PAT for record (SWAT or K9) will be immediately suspended from service in the collateral duty. The deputy must then take their primary assignment PAT for record within 7 days. The deputy may not return to the collateral assignment until the successful completion of the primary assignment PAT for record and the collateral duty assignment PAT for record.

After the initial attempt at a PAT for record, a deputy will have a maximum of three attempts within 30 calendar days to achieve a passing score. If the deputy passes any attempt within 30 calendar days of the initial attempt they will be considered in compliance and re-instated to full duty status.

If successful completion of the PAT for record is not achieved within 30 calendar days of the original failure, the member may request permanent reassignment to a vacant position not requiring a PAT. After making the request, subject to the Sheriff's or designee's discretion and approval, the member may be permanently reassigned to a vacant position not requiring a PAT if

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the member is qualified for the position. The Sheriff may consult with Human Resources to look for other vacancies throughout the county, if appropriate. The employee will be subject to the new position pay scale. Otherwise, the deputy will be relieved from their assignment which may include termination of employment.

1125.7 ADMINISTERING THE PHYSICAL ABILITIES TEST

The administration of the PAT shall be conducted by deputies receiving instruction/training consistent with the requirements of the validation study and PAT program. No attempts at the PAT for record will be allowed or considered in compliance without prior approval from the Professional Standards Unit Lieutenant.

Only deputies trained to administer the PAT will schedule, test, and/or record PAT results. Testing will be conducted annually within the 2nd quarter of each calendar year. All completed PAT records will be maintained by the Professional Standards Unit.

A minimum of two PAT-trained personnel (with separate timing devices) will be present for each PAT conducted for record. Times will be recorded and submitted to the Professional Standards Unit.

Attempts that do no meet the standard on a PAT for record will be recorded.

1125.8 EXEMPTIONS

Certain exemptions may apply to the PAT requirements including, but not limited to; members on temporary modified (limited) duty, medical leave or temporary ADA restrictions; and/or members involved in line-of duty-events likely to adversely impact test results.

1125.9 RETURN TO FULL UNRESTRICTED DUTY

Deputies returning to full, unrestricted duty after an extended medical leave or extended work related absence will be required to pass a PAT for record before the start of the first shift or work related assignment following the absence.

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Uniform Presentation and Maintenance

1126.1 RATIONALE

Uniformed personnel publicly represent the Weld County Sheriff's Office and law enforcement in general. Uniformed personnel are expected to maintain a high standard of professionalism in their appearance.

1126.2 DEFINITIONS

Uniform:

- *n.* A distinctive outfit intended to identify those who wear it as a member of a specific group or organization.

1126.3 PROCEDURE

All sworn personnel and Animal Control Officers will be issued uniforms and equipment upon employment.

Patrol Division

- 3 - trousers
- 5 - shirts (3 - short-sleeve, 2 - long-sleeve)
- AOT uniform consisting of polo shirts and tactical pants
- Duty belt and associated equipment
- Badge, collar brass, name plate
- Tie
- Winter coat
- Ballistic vest
- Straw campaign hat

Detentions Division

- 3 - Trousers
- 5 - shirts (3 - short-sleeve, 2 - long-sleeve)
- AOT uniform consisting of polo shirts and tactical pants
- Duty belt and associated equipment
- Badge, collar brass, name plate
- Tie
- Winter coat
- Straw campaign hat

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Animal Control

- 3 - tactical pants
- 5 - shirts (3 - short-sleeve, 2 - long-sleeve)
- AOT polo shirts
- Duty belt and associated equipment
- Badge, collar brass, name plate
- Winter coat
- Ballistic vest

Uniformed personnel are required to personally provide additional items:

- Black, plain collard undershirts
- Black, polished footwear

Uniformed personnel are required to maintain all associated uniform equipment in serviceable order.

Dry cleaning services are provided at the agency's expense through a contracted provider for routine cleaning and repair of uniforms.

A uniform allowance is provided to all uniformed personnel to purchase/replace issued uniform items as needed.

- Each employee is required to maintain no less than the minimum uniform issue.
- Additional, authorized items may be purchased and worn when in uniform.
- Uniform allowance funds may be used to purchase additional, authorized items as long as the employee's uniform meets standards; authorized items are found on the uniform vendor website under "Deputy Gear".
- Personal funds may also be used to purchase authorized items from the uniform vendor.
- Items not available from the uniform vendor may only be purchased with personal funds
    - These items must meet agency standards for equipment or uniforms.

Periodically, supervisors shall inspect each employee's uniforms and equipment to ensure that uniforms are in serviceable condition.

- Any deficiencies noted in the employee's uniforms must be corrected immediately.
- If the employee has exhausted their annual uniform allowance purchasing additional items, they will be required to use personal funds to restore their uniforms to agency standards.
- Uniform neglect may result in disciplinary action up to and including termination.

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1126.4 UNIFORM DESCRIPTIONS

Class A Uniform: Consists of the standard issued long-sleeved shirt and trousers, footwear, and duty gear. Additional required items:

- Badge, brass name plate, insignia
- Tie
- Campaign Hat
- Body Armor will be worn by uniformed patrol personnel and uniformed courts and transportation personnel.

Duty Uniform: Consists of the standard issued short- or long-sleeved shirt, trousers, footwear, and duty gear.

- Additional required items:
  - Badge, brass name plate, insignia
  - Body Armor will be worn by uniformed patrol personnel and uniformed courts and transportation personnel

Advanced Officer Training (AOT) Uniform: Consists of the issued short- or long-sleeve polo shirt, tactical pants, and footwear.

- Additional required items:
  - Uniformed Patrol deputies and Court Services Unit deputies shall wear body armor when training at the range.

Alternate Duty Uniform (Patrol only): Consists of the issued short- or long-sleeve polo shirt, tactical pants, footwear, outer vest carrier, and duty belt.

- Additional required items:
  - Badge, name tape, Sheriff's Office designation (on the back).
  - Rank Insignia: the 5/8-inch or 7/8-inch brass insignia for sergeants and up, will be worn on the epaulets of the outer carrier, similar to the winter coats.
  - Uniformed patrol deputies shall wear approved body armor within the outer carrier.

1126.5 UNIFORM ITEMS

Uniform Shirts:

Class A and Duty shirt: Gray colored with button down flap pockets, military creases and shoulder epaulets, both short- and long-sleeved. Weld County Sheriff shoulder patches must be sewn on each sleeve. The patches will be centered and sewn ½-inch from the top of the shoulder seam.

AOT and Alternate Duty Uniform shirt:

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Gray colored polo, both short- and long-sleeved, with Sheriff's badge embroidered on the left breast.

A plain colored black undershirt must be worn.

A black turtleneck may be worn in place of a black t-shirt when a long-sleeved shirt is worn.

Trousers:

Class A and Duty trousers: 6-Pocket pants with internal cargo pockets made of worsted wool fabric.

Tactical Pants: 5.11 Tactical Stryke Pants with external cargo pockets made of two-way Flex-Tac mechanical stretch fabric.

Duty Belt:

Patrol/Courts:

Black leather, basket weave with brass snaps. The duty belt will be worn with a black inner belt; the duty belt will have the standard width of 2 ¼ inches and may have an optional brass belt buckle. The duty belt will be adorned with the following items:

- The duty belt must be adorned with at least 2 less lethal force options:
- Expandable baton holder with expandable baton (less lethal force option)
- Baton ring and wooden straight baton may be worn (at employee's expense)
- Pepper spray holder with pepper spray (less lethal force option)
- Electronic control weapon holster or holster mount (less lethal force option)
- Duty handgun holster with firearm
- Magazine holder with 2 magazines loaded to full capacity.
- Deputies may carry a third magazine.
- Radio packset holder with packset
- A single cuff case with cuffs (closed top)
- An additional single cuff case may be worn
- Deputies may request a double cuff case and secondary cuffs
- Keepers with black or brass snaps
- Mini flashlight carrier with flashlight
- Flashlight ring may replace mini flashlight carrier
- Glove pouch (optional)
- Cell phone/pager holster (optional)

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- Silent key holder (optional)

Detentions:

Black leather, basket weave with brass snaps. The duty belt will be worn with black under belt and have a standard width of 2 ¼ inches and may have an optional brass belt buckle. The duty belt will be adorned with the following items:

- Pepper spray holder with pepper spray
- Duty handgun holster with firearm (for authorized personnel)
- Magazine holder with two (2) magazines loaded to full capacity.
- Deputies may carry a third magazine.
- A Single cuff case with cuffs (closed top)
- An additional single cuff case may be worn
- Deputies may request a double cuff case and secondary cuffs.
- Keepers with black or brass snaps
- Mini flashlight carrier with flashlight
- Glove pouch
- Silent key holder (optional)

Outer Vest Carrier:

An outer vest carrier is authorized for use with the alternative duty uniform. The carrier must be purchased from the current uniform vendor. The vendor will fit the carrier to the deputy's body armor.

Generic carriers, or carriers from other vendors, are not authorized for use with the alternative duty uniform.

The carrier can be purchased with a combination of personal funds and uniform allowance funds because the annual allotment will not cover the entire cost.

If an employee's uniform is deemed to be substandard and the annual uniform allowance was exhausted purchasing additional items, the employee will be required to use personal funds to restore their uniforms to agency standards.

Contact the Quartermaster to schedule getting measured for the carrier.

Weapons or weapons support items are not authorized to be attached to the outer carrier.

Prohibited items are:

- Firearm
- Taser
- OC spray

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- Baton
- Magazines
- Knives

Permitted items are:

- Handcuff case
- Radio holster
- Flashlight case
- Tourniquet carrier
- Glove pouch

Hats:

A black straw campaign hat with the Weld County Sheriff's Badge centered on the front above the brim.

A black baseball cap purchased through the uniform vendor, with "Sheriff" on the front above the bill and "WCSO" on the side, embroidered in grey thread.

The deputy may add their badge number on the back of the hat.

No other information can be embroidered on the hat (such as radio call sign, names, mottos, etc.)

A stocking cap can be worn with either the WCSO logo embroidered in grey thread or no logos at all.

Coat/Jacket:

Several different options of outerwear are authorized for wear with the uniform. All options will be worn with the Weld County Sheriff's Office shoulder patch, one on each sleeve, and a cloth badge on the left breast of the jacket.

- A black, all-season jacket (issued).
- A Blauer Fleece-Lined ¼-Zip Sweater.
- A 5.11 ¼-Zip Tactical Job Shirt.

Gloves:

Black leather gloves may be worn during cold or inclement weather if they do not restrict the ability to manipulate a duty weapon or any other equipment.

Footwear:

Uniformed personnel may wear either shoes or boots that meet the following standards:

- Black in color

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- Polishable
- Plain toe (no steel or composite toe)
- Leather

Boots will be worn with the trousers over the top, not tucked into the boots.

Socks shall be black in color when worn with low quarter shoes in uniform.

Sunglasses:

Sunglasses may be worn during normal activities and only when necessary due to bright, sunny conditions.

Mirrored sunglasses are prohibited.

When interacting with citizens do not wear sunglasses unless necessary; wearing sunglasses when they are not needed is disrespectful to the citizen you are speaking with and unprofessional.

Name Plate:

Metal name plates will be worn between 1/16- and 1/8-inch above the right pocket, aligned at the top of the seam, and centered between the pocket edges.

Name plate will measure 2 ¼-inches wide by 3/8-inch high.

Name plate will display the deputy's first initial and the last name in standard Roman lettering.

Name Tape (outer carrier):

Black, cloth name tapes with a Velcro backing worn on the right side of the outer carrier.

Name tapes will measure 5-inches wide by 1-inch high.

Name tapes will display the deputy's first initial and last name in standard Roman lettering, embroidered in gray thread.

Rank Insignia:

Rank iIs to be worn on the collars of both the short- and long-sleeve duty shirts.

Sheriff Four: Gold Stars ½-inch

Undersheriff: Three Gold Stars ½-inch

Captain: Two Gold Stars ½-inch

Lieutenant: One Gold Star ½-inch

Sergeant: Gold Chevron Bars (3) ¾-inch

Deputy/Officer: Gold WCSO 3/8-inch

Rank Insignia is to be worn on the epaulets of the winter coat/jacket. The sizes of the insignia are as follows:

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- Gold Chevron bars, 5/16-inch
- 1 Gold Star, 7/8-inch
- 2 Gold Stars, 7/8-inch
- 3 Gold Stars, 7/8-inch
- 4 Gold Stars, 7/8-inch

Skill Identification Insignia:

May be worn between 1/16- and 1/8-inch above the name plate. Specialty insignia may include awards and service pins.

The insignia will be no more than 5/16-inch height.

Uniformed deputies will wear no more than two (2) specialty insignia.

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Awards and Commendations

1127.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Office and individuals from the community.

1127.2 POLICY

It is the policy of the Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1127.3 PROCEDURE

(a) Employee submits a recommendation for award to a supervisor.

(b) Supervisor completes a Commendation Report in the reporting software and routes it to the Professional Standards (PS) Lieutenant with a recommendation.

(c) PS Lieutenant reviews the recommendation and award.

1. Generates a recommendation and forward the recommendation to the Administration Division Captain.

(d) Administration Division Captain reviews recommendation.

1. If needed consults with Executive Staff.
2. Authority is delegated to the Administration Division Captain to approve, deny, upgrade or downgrade award recommendation.

(e) The Administration Support Manager facilitates the process of preparing the award for presentation once approved.

1. Provides copy of written documentation to Personnel Technician.
2. Coordinates presentation of award to the employee.

(f) Personnel Technician forwards copy of documentation to Human Resources.

(g) The approving authority for awards for the Sheriff will be the Undersheriff.

1127.4 AWARD TYPES AND REQUIREMENTS

1. **Earl Bucher Medal of Honor**

(a) The Earl Bucher Medal of Honor may be awarded to the deputy or officer who distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an opposing force.

(b) The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguished the officer or deputy. The action must be in excess of normal demands and of such a nature that the deputy or officer was

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fully aware of the imminent threat to his/her personal safety and acted above and beyond the call of duty at risk of his/her life.

(c) The Earl Bucher Medal of Honor is a gold colored ribbon with medal attached; is accompanied by a certificate, citation and a solid gold colored award bar with a gold colored star in the center.

2. **Medal of Valor**

(a) The Medal of Valor may be awarded to a deputy or officer who distinguishes himself or herself by exceptional bravery and courage at imminent risk of serious body injury above and beyond the call of duty or,

(b) While performing a voluntary course of action in an extremely dangerous situation.

(c) The Medal of Valor is a black colored ribbon with medal attached; is accompanied by a certificate, citation and a silver colored award bar with a gold colored star in the center.

3. **Distinguished Service Medal**

(a) The Distinguished Service Medal may be awarded to a deputy or officer who through the performance of their duties is placed in significant risk of serious bodily injury in an extremely dangerous situation, or

(b) Is injured in the line of duty under extreme and honorable conditions.

(c) The Distinguished Service Medal is a red colored ribbon with attached medal; is accompanied by a certificate, citation and a solid black colored award bar with a gold star in the center.

4. **Purple Heart Medal**

(a) The Purple Heart Medal may be awarded to a deputy, officer or civilian employee who is wounded or seriously injured in the line of duty by an assailant while involved ina physical altercation or responding to the call for help or assistance.

(b) The injury must not be the result of, or concurrent with, any conduct that is less than acceptable by any policy or procedure.

(c) The Purple Heart Award is a purple colored ribbon with attached medal; is accompanied by a certificate, citation and a purple and white award bar.

5. **Life Saving Award**

(a) The Life Saving Ribbon may be awarded to any employee(s) directly responsible for the saving of a human life.

(b) The Life Saving Ribbon may also be awarded where evidence indicates that actions by the employee(s) prolonged a human life to the extent of the victim being released into the care of medical authorities even though the victim might expire at a later time.

(c) The Life Saving Award is awarded as a certificate; accompanied by a citation and a red/white/red award bar.

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6. **Ribbon of Merit**

   (a) The Ribbon of Merit may be awarded to an employee for exceptional personal effort beyond the normal scope of his/her assignment.

   (b) The Ribbon of Merit may also be awarded for exceptional service to Weld County, in which the recipient has designed, implemented, or made changes that have affected the overall mission of the agency as a whole.

   (c) The actions must be under honorable circumstances or for extraordinary actions of the employee is one event or for several events that benefit the community, the victim of a crime or the Weld County Sheriff's Office.

   (d) The Ribbon of Merit is awarded as a certificate; accompanied by a citation and a white/red/and blue award bar.

7. **Meritorious Service Award**

   (a) The Meritorious Service Award may be awarded to any employee who distinguishes themselves for outstanding meritorious achievement or service,

   (b) For actions which demonstrate an exemplary display of leadership, initiative or innovation in which the employee identified a need, implemented a change and significantly contributed to the furtherance of the Weld County Sheriff's Office Mission and Guiding principles.

   (c) The Meritorious Service Award is awarded as a certificate; accompanied by a citation and a blue and white award bar.

8. **Special Service Award**

   (a) The Special Service Award may be awarded to any employee for three years as a voluntary participant on an officially recognized unit or team.

   (b) Requires effort or training beyond the routine job requirements.

   (c) The Special Service Award is awarded as a certificate; accompanied by a citation and a red and white award bar separated by a blue stripe in the center.

9. **Safety Award**

   (a) The Safety Award may be awarded to any employee for five years of service without a single at fault or contributory fault accident or report of injury.

   (b) The Safety Award is awarded as a certificate; accompanied by a citation and a white award bar with two green stripes and a gold colored star in the center.

10. **Firearm Proficiency Award**

   (a) The Firearms Proficiency Ribbon may be awarded for three years of receiving a minimum of 95% possible on all required pistol proficiency qualifications recorded on firearms training records.

   (b) The Firearm Proficiency Award is awarded as a certificate; accompanied by a citation and a yellow award bar with red green stripes.

11. **Commendations**

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(a) A commendation is a document award presented for a single action or a series of actions which goes beyond the normal scope of duties.

(b) The action of series or actions demonstrate the highest ideals of public service or are of substantial value to bring credit upon the employee and the Weld County Sheriff's Office.

12. **Citizen Certificate of Merit**

(a) A citizen may be awarded the Citizen Certificate of Merit for actions exemplifying excellence of civic responsibilities,

(b) Showing unselfish devotion to his/her fellow man or woman and the community or

(c) Whose actions bring honor to them in recognition to the Weld County Community.

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CCIC/NCIC Training

1128.1 DIRECTIVE NUMBER
10.6.200

1128.2 EFFECTIVE DATE
January 21, 2015

1128.3 RATIONALE
A CCIC Coordinator is designated by the Sheriff to be responsible to train, test and maintain written documentation detailing the training and proficiency of each employee with an active CCIC OSN. All employees with access to CCIC must be trained and tested on proficiency to assurance compliance with CCIC/NCIC policy and regulations.

1128.4 DEFINITIONS
CBI: Colorado Bureau of Investigation

CCIC: Colorado Crime Information Center

CJIS: Criminal Justice Information Services

NCIC: National Crime Information Center

OSN: Operator Sign on Number

1128.5 PROCEDURE
1. The designated CCIC Coordinator for the Weld County Sheriff's Office is the Records Director.

2. Any employee operating a terminal for the purpose of entering and retrieving information from CCIC/NCIC computer systems will have a valid OSN.

(a) Employees issued an OSN must be training and proficiency tested to assure compliance with CCIC/NCIC policy and regulations within 6 months of issuance.

(b) Biannual recertification on the CJIS Portal is required for all employees with an active OSN.

3. The CCIC Coordinator provides initial and biannual training for employees.

(a) The Coordinator maintains written documentation of operator training in the employee's OSN file.

(b) Training documentation is entered on each employee's electronic training record by the Coordinator.

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Vehicle WEX Fuel Cards

1129.1 PURPOSE AND SCOPE

Employees are responsible for maintaining agency vehicles so they are properly equipped, maintained, refueled and present a clean appearance. Occasionally, normal county fuel sites are inoperable and agency vehicles need fuel.

1129.2 WEX CARD

Each agency vehicle will be issued a WEX fuel card, in addition to the yellow county fuel card. The WEX fuel card is specific to the assigned vehicle, and not to be used for other fleet vehicles. The WEX fuel card is intended to be used infrequently only for emergency fueling when:

(a) Normal fueling stations are out of order

(b) During out of county transports or training when normal fueling methods are unavailable

(c) Other emergency situations that prevent the deputy from reaching a normal fuel site

Using the WEX fuel card for convenience is unauthorized.
Missing WEX fuel cards must be immediately reported to the deputy's supervisor.

1129.2.1 DEPUTY USE OF WEX CARD

Each Deputy will be assigned a personal identification number (PIN) that will work for all fleet WEX fuel cards. The WEX fuel card cannot be used for items other than fuel. As soon as practicable the deputy utilizing the WEX fuel card will:

(a) Obtain a receipt for the fuel purchase as well as the vehicle number, date, location etc. via email will suffice

(b) If a printed receipt is unavailable, a photo of the pump showing the dollar amount used,

1. Email their Sergeant with the vehicle number, date, location and reason for use of the WEX fuel card

    (a) The Sergeant will maintain record of the WEX fuel card use for a minimum of 90 days, to ensure proper budgetary reconciliation

2. Submit the receipt to the Budget Manager (Law Admin Building)

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Encrypted Radio Channels

1130.1 PURPOSE AND SCOPE

The Sheriff's Office is committed to remaining transparent in how it carries out duties in the community. The Office welcomes community efforts to monitor all emergency and routine radio communications through commonly available lawful means such as radio scanner apps. Community members have an interest in ensuring laws are enforced fairly and deputies carryout their duties professionally according to community standards.

Occasionally, operational needs require secure and confidential law enforcement radio communications. To meet this need, WCSO designated several radio channels that utilize encryption technology. Radio encryption technology prevents third parties from monitoring communications or transmitting in the encrypted channels unless they have the authorized encryption key.

1130.2 ENCRYPTED CHANNELS

TAC 2 and TAC 3 in Zone 3 are encrypted radio channels available to all deputies in the Patrol Division in their hand-held and vehicle radios. SWAT 1 and SWAT 2 in Zone 7 are encrypted radio channels available to deputies assigned to SWAT, Hostage Negotiations and K9 teams in their hand-held radios only. Executive Staff can monitor and transmit in all encrypted channels. Radio communications in all encrypted channels is recorded and available for review if necessary.

Weld County Regional Communications Center (Dispatch) cannot monitor or transmit in the encrypted radios channels. Deputies and supervisors should remain cognizant, and plan for, the officer safety implications of WCRCC not being able to monitor or transmit in the encrypted radio channels.

1130.2.1 ENCRYPTED CHANNEL USE

The use of all WCSO encrypted channels is authorized when:

1. There is a substantial officer safety need, such as when deputies are about to contact a suspect and there is previous information that the suspect is armed and/or known to monitor police radio communications to defeat arrest.
2. The content of the communication is of such high sensitivity to warrant an elevated level of confidentiality, such as when deputies conduct covert surveillance on subjects known to employ counter surveillance techniques, or are suspected of monitoring police radio communications to evade law enforcement or defeat arrest.

To achieve the goal of remaining transparent to the community, the time spent in the encrypted channels shall be minimized. The use of the encrypted channels should only occur during portions of a call that warrant such capability, instead of for a whole operation. Time usage should be like when a channel is "cleared". The time spent under encryption should be minimized to what's needed.

Operational rules for the use of WCSO encrypted channels:

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Encrypted Radio Channels

1. Deputies shall:
   (a) Obtain approval from their supervisor prior to using the encrypted channels, unless exigent circumstances prevent immediate notification.
   (b) Advise dispatch when leaving the normal radio channels to the encrypted channels.
   (c) Minimize the time in the encrypted channels to what is essential.
   (d) Advise dispatch when returning to the normal radio net.
2. Supervisors:
   (a) May approve the use of encrypted channels when there is a substantial officer safety need, or the content of the communication is of such high sensitivity to warrant an elevated level of confidentiality.
   (b) If different, shall notify the on-duty patrol supervisor that operations are occurring in the encrypted channels.
   (c) Shall ensure dispatch is notified that operations are occurring in the encrypted channels.
   (d) Shall monitor communications in encrypted channels to relay critical information to dispatch, such as Code 5 or need for emergency medical aid, or delegate such function to an uninvolved deputy or supervisor.
   (e) Shall ensure time in encrypted channels is minimized to what's essential.

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Firearms Training and Qualifications

1131.1 PURPOSE AND SCOPE

This policy is intended to ensure that all personnel authorized to carry a firearm while on duty are proficient in the use, care, and safety of firearms through regular training and qualification in accordance with all laws and regulations.

1131.2 DEFINITIONS

Firearms training: Live-fire training or simulator exercises consisting of scenarios, firearms fundamentals practice, use of force training or discussions, classroom training requiring student interaction and/or decision making, classroom discussion on agency policies and/or legal issues. Firearms qualification is not considered training.

Range Master: A person designated to supervise all activities at the range and ensure safety and proper procedures are followed.

Qualification: A tested course of fire that is assessed as PASS/FAIL and requires 100% hits on a designated area of a specified target to demonstrate successful completion. Personnel will be evaluated on their gun handling skills, safety and their basic shooting ability.

1131.3 QUALIFICATION

Personnel who are authorized to carry a firearm in the performance of their duties are required to maintain proficiency with any firearms used during their assignments.

1. Personally owned firearms must have a current armorer's letter of certification on file with the Quartermaster prior to qualifying or training with that weapon.
2. All authorized personnel are required to attend mandatory firearms training a minimum of once per quarter.
3. All authorized personnel are required to qualify with their duty pistol, secondary handgun, and rifle prior to carrying the firearm on duty.
    1. The qualification requirement can be overridden by the Sheriff or designee for situations such as an OIS, major equipment malfunction, or other events that require a deputy to be issued a firearm immediately; it is recommended that the firearm be of a similar platform to the firearm being replaced, if possible. The deputy will need to qualify on the replacement firearm at the first reasonable opportunity.

All authorized personnel are required to qualify twice annually.

1. All uniformed personnel who wear body armor in the performance of their normal duties/job assignments must qualify wearing body armor and required duty gear.
2. Personnel who routinely work in plain clothes must qualify with their duty handgun wearing an outer garment that completely conceals both the firearm and spare magazines.

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The Weld County Sheriff's Office will provide ammunition for training and qualification in the following calibers: 9mm,.40 Smith and Wesson,.45 ACP, and.223 or 5.56mm; any other calibers required for personally owned firearms must be provided by the individual owner.

Individuals will be allowed three attempts to successfully complete qualification.

1. Personnel who fail to qualify on their third attempt are required to attend remedial training and must qualify prior to returning to duty (Patrol) or prior to carrying a weapon on duty (Jail).
    1. The length of remedial training will be determined by a firearms instructor.
2. After remedial training and evaluation, a firearms instructor will administer a qualification course.
    1. If the individual qualifies, the remedial training will be complete.
    2. If the individual does not qualify, remedial training will continue but will not exceed eight hours on any given day.
3. If remedial efforts are completed successfully, individuals may be required to attend more training than the compulsory once per quarter training.Personnel who repeatedly fail to qualify will be relieved from the assignment that requires a firearm; appropriate disciplinary action may follow.

Each employee will be provided with a copy of the training/qualification form at the completion of training and qualification.

1131.4 TRAINING

The firearms team will develop all training/qualification courses, but final approval of all courses of fire shall be approved by the Sheriff or his designee; firearms training courses certified by a competent government or standards-setting organization can be used. Courses of fire may be changed quarterly to keep firearms training dynamic, to take advantage of new training techniques, and to meet new training requirements. The Training Unit shall be responsible for providing all jail and courts personnel with quarterly practical training that is designed to simulate situations that may occur in a custody facility setting.

Whenever training is provided by the Office, the Training Sergeant should ensure that a course outline and/or lesson plan, a roster signed and dated by those in attendance, and the name of the person coordinating the event are on file. The Training Unit shall keep accurate records of all firearms training and qualifications.

At least annually, all personnel carrying a firearm will receive training on the Use of Force Policy and demonstrate their knowledge and understanding by passing either a performance or written test.

In addition to general training regarding the use of firearms, the Training Sergeant shall ensure that training is provided on encounters with dogs in the course of duty as required by CRS § 29-5-112. At a minimum, the training must cover the policies and procedures adopted by this office.

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1131.5 FIREARMS INSTRUCTOR TRAINING AND PROFICIENCY

Firearms instructors shall attend a CO POST-approved Handgun Instructor Program within three years of becoming an agency firearms instructor.Firearms instructors are also encouraged to attend a Carbine Instructor Course. Firearms instructors are required to qualify twice annually.

1131.6 SAFE HANDLING OF FIREARMS

The intent of this section is to promote proper firearm safety on- and off-duty.Employees shall maintain the highest level of safety when handling firearms and shall consider the following.

1. Deputies shall not unnecessarily display or handle any firearm.
2. While at the range, deputies shall be governed by all rules and regulations pertaining to the use of the range, shall obey all orders issued by the Armorer, Range Master or Range Instructors and shall not dry fire or practice quick draws except under Range Instructor supervision.
3. Deputies shall not clean, repair, load, or unload a firearm anywhere in the Office or classrooms, except where there are clearing barrels or chambers, or in other designated locations.
4. Deputies shall not place or store any firearm or other weapon on office premises unless the place of storage is locked.
5. No one shall carry firearms into the jail or any part thereof when securing or processing a prisoner but shall place all firearms in a secured location. It shall be the responsibility of the master control operator and booking officer to make sure that persons from outside agencies do not enter the jail with any firearm.
6. Firearms shall only be allowed in the secure perimeter of the facility when it is necessary to protect the safety and security of staff, inmates, contractors, volunteers or the public.
    1. Firearms shall only be allowed inside the secure perimeter with the approval of the Sheriff, Undersheriff, Detentions Captain or authorized designee and under the direct supervision of a superior.

Deputies shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.

1131.7 STORAGE OF FIREARMS AT HOME

Deputies shall ensure that all office-issued firearms and ammunition are stored in a safe manner while in their homes, vehicles, or any other area under their control with appropriate measures taken to ensure the firearm is inaccessible to children and irresponsible adults.

Storage of any firearms in patrol cars left unattended overnight is prohibited, unless the firearm is a rifle or less lethal shotgun, and the firearm is locked in an agency locking rack mounted in a patrol car.Deputies shall not store duty firearms in personally owned cars overnight.

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Attachments

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10.1.200 Legal Assistance.pdf

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Close

General Order
Administration
Adopted:

Directive Number: 10.1.200 **Effective Date:** January 21, 2015

Title: **Legal Assistance**

References:

Rationale:

Any employee receiving a subpoena, Notice of Claim, or other civil action in which the employee is named as a defendant in their official capacity is responsible to notify the Sheriff's Office without delay.

Procedure:

A. Employees shall notify the Internal Affairs Sergeant within one working day of service

B. The Internal Affairs Sergeant notifies the Undersheriff, Sheriff, County Attorney's Office, and provides regular updates to the employee

Detentions Applicant PAT.pdf

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Detentions
Applicant PAT

Applicant must complete the PAT in 7 min 45 seconds or less.

1. Applicant will start seated in a chair.
2. On the command of GO, the Applicant will get out of chair and run one full lap, after the completion of the first lap, the Applicant will clear the simulated jump obstacle.
3. Applicant will then run to the low crawl (must get down on all fours and crawl).
4. Applicant will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the Applicant knocks off one of the hurdles, the Applicant must replace hurdle and start obstacle over.
5. Applicant will run to the serpentine and follow the appropriate arrows (Applicant cannot touch or swing on poles).
6. Applicant will run to the simulated body drag. Applicant will pull the drag sled (160lbs) 50 feet and must clear the 50-foot grey line.
7. Applicant will run to staircase, must ascend the stairs, and descend the opposite set of stairs (must touch every step up and down). Applicant will complete 3 sets (must go up, down and around). If instructions are not followed, you must start obstacle over.
8. After third set of stairs, Applicant will run to the door.
9. Applicant will then run to the ropes. Applicant must complete 10 rope swings over the 36" post.
10. Applicant will then run to the push-pull (180lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time).
11. Repeat steps 9 and 10 for two complete rotations.
12. Applicant will run to start chair and sit down, and time will stop.

2022 WCSO Bloodborne Pathogen Exposure Control Plan (Approved).pdf

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BLOODBORNE PATHOGEN EXPOSURE CONTORL PLAN

Purpose and Scope

The purpose of the Bloodborne Pathogen Exposure Control Plan (ECP) is to establish a unified approach throughout the agency to handle exposure incidents in which employees are exposed to bloodborne pathogens (BBP) or other potentially infectious materials (OPIM) while performing their assigned duties. The ECP will guide Exposure Control Officers (ECOs)as they ensure appropriate post-exposure care for affected employees while accounting for agency needs and ensuring compliance with applicable standards of care while considering legal obligations.

Rationale

Any employee may experience an occupational exposure to blood or other potentially infectious materials. All employees shall observe universal precautions to prevent contact with BBP or OPIM. All bodily fluids, to include blood/OPIM, will be considered infectious regardless of the perceived status of the source or source individual(s). Engineering and work practice controls will be provided where applicable and utilized by employees in order to eliminate or minimize exposure risk. When exposures are reported, trained employees (ECOs) must respond to determine if an exposure occurred. In the event of an exposure, the ECO will respond to investigate the infectious status of the source individual(s).

References

Colorado Revised Statutes § 16-3-303.8 [Testing for communicable diseases – court order required]

Colorado Revised Statutes § 18-3-203 [Assault in the second degree]

Colorado Revised Statutes § 18-3-204 [Assault in the third degree]

Colorado Revised Statutes § 18-3-415 [Testing for persons charged with sexual offense]

Colorado Revised Statutes § 18-3-415.5 [Testing persons charged with certain sexual offenses for serious sexually transmitted infections]

Colorado Revised Statutes § 25-4-408 [Infection control – duties]

Colorado Revised Statutes § 25-4-410 [Patient consent – rights of patients, victims, and pregnant women]

Code of Federal Regulations 45 CFR § 164.512 (HIPAA) sections (j), (k), (l) [Uses and disclosures for which an authorization or opportunity to agree or object is not required]

United States Code 42 USC § 300ff131 – 140 (Ryan White Care Act, Part G) [Notification of Possible Exposure to Infectious Diseases]

Definitions

Bloodborne pathogen (BBP) - Pathogenic microorganisms that are present in human blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Exposure Control Officer (ECO) - A trained employee of the Weld County Sheriff's Office who assists members of the agency by ensuring that proper notification of exposures takes place and that employees are provided appropriate post exposure medical treatment, in accordance with Centers for Disease Control guidelines, Colorado Revised Statutes, and the Ryan White Care Act. ECO's are primarily responsible for the creation and completion of Exposure Incident Reports, the gathering of information and investigating exposures, and act as a liaison between

the affected employee and their supervisor with regards to medical treatment or follow-up. ECO's act as medical professionals in the execution of their duties.

ECC (Coordinator) – A Sergeant acting as the Exposure Control Coordinator responsible for the creation, maintenance, and oversight of the exposure control plan and its execution, coordination of required training, and generating statistical reports as necessary. The ECO Coordinator reports to an Administrative Lieutenant regarding the ongoing management of the ECO Team.

Exposure Incident - An incident in which blood or other potentially infectious materials comes in direct contact with the non-intact skin, eye, mouth, or other mucous membrane, or other parenteral contact that results from the performance of the employee's duties.

Exposure Incident Report – A report that documents the circumstances of an exposure incident including the names of the parties involved, date and time of exposure, location where the exposure occurred, nature and type of the exposure, and source patient information to include infectious status for HBV, HCV, and HIV.

Personal Protective Equipment (PPE) - Specialized clothing or equipment worn by an employee to reduce the risk of exposure of an employee's skin or mucus membranes to potentially infections materials (i.e. latex gloves, goggles/masks, gowns, one-way CPR masks, etc.) General work clothes (uniforms, pants, shirts, etc.) are not intended to function as protection against a hazard and are not considered to be personal protective equipment.

Secure Precautions (SECP) or Universal Precautions Hazard Flag - A deliberately vague notation in the flags/hazards section of an inmate's page in the JMS or hazard notation that exists solely if an individual is known to have an infectious disease which emergency response employees would be required by law to be informed of, while simultaneously protecting the individual's medical privacy rights.

Occupational Exposure - Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious material that may result from the performance of an employee's job duties.

Universal Precautions - An approach to infection control in which all human blood and certain other bodily fluids defined by 29 CFR 1910.1030 (semen, vaginal secretions, amniotic fluid, cerebrospinal fluid, synovial fluid, pleural fluid, and peritoneal fluid) are treated as if known to be infectious for bloodborne pathogens and require infection control procedures using protective barriers such as PPE.

Engineering Controls – a prevention strategy that eliminates or reduces exposure to blood or potentially infections material through the use of substitution of engineered machinery or equipment. Examples include, but are not limited to, self-capping syringe needles, ventilation systems such as a fume hood or a negative air pressure room.

Control Plan Administration

Employees within the agency will receive an explanation of this Exposure Control Plan (ECP) during their initial agency training. Annual refresher training on the control plan will be reviewed with employees that are ECOs.

1. The ECO Coordinator is responsible for reviewing and updating the ECP annually, or more frequently if necessary. These updates should reflect new or modified tasks and procedures that affect occupational exposure as well as new or revised positions with occupational exposure.
2. The ECO Coordinator will investigate any complaints made regarding the ECP as a whole or the performance of an ECO related to their involvement with an exposure incident.
3. The ECO Coordinator is responsible for ensuring that there are adequate numbers of ECO's within the agency to be able to handle exposures that occur.

4. The ECO Coordinator will ensure that all ECO's are trained and that an updated list with contact phone numbers of current ECO's is available to supervisors (to be stored in a file on the current server).

PREVENTION AND MITIGATION OF OCCUPATIONAL EXPOSURE

Hepatitis B Vaccination Program

1. The Hepatitis B vaccination series is available to all employees through the Weld County Employee Medical Clinic. The vaccination and any routine boosters are offered at no cost for employees.
    a. Vaccination is encouraged but not mandatory.
    b. If refused, the vaccination remains available at no cost, at any time throughout employment if the employee later decides to receive this benefit.

Personal Protective Equipment (PPE)

1. Approved PPE is provided to employees by the agency at no cost. Employees are required to use appropriate PPE for the task being performed.
    a. Exceptions may be articulated when applying PPE is impractical or hazardous to the safety of the staff member or to members of the public.
    b. Provided PPE shall not permit blood/OPIM to pass through or reach the employee's clothing, skin, mouth, or other mucous membranes under normal conditions of use and for the duration of time the PPE is expected to be used.
2. Disposable protective gloves shall be made available to all staff at all agency work sites, including jail housing unit stations, assigned county vehicles, and crime scenes. Gloves shall be worn by employees when touching/handling items or surfaces where blood/OPIM, non-intact skin, or mucous membranes may be reasonably anticipated.
    a. Gloves will never be washed or decontaminated for reuse and must be replaced as soon as feasible when they become contaminated or if their ability to function as a barrier against contamination is compromised.
3. Wearing masks in combination with eye protection devices (i.e. goggles, glasses with solid side shield, or chin length face shields), is highly encouraged whenever splashes, spray, spatter, or droplets of blood/OPIM may be generated and potential contamination of the eye, nose, or mouth can reasonably be anticipated.

Engineering Controls, Work Practices, and General Precautions

1. All staff members are expected to use good judgment and follow training to mitigate the risks of occupational exposure. This includes, but is not limited to the following:
    a. Using universal precautions, treating all human blood and bodily fluids/tissues as if it is known to be contaminated with bloodborne pathogens.
    b. Stocking disposable gloves, blood exposure control kits, one-way CPR masks, and any other appropriate PPE at any duty station, and reporting any deficiencies to a supervisor.
    c. Washing hands immediately or as soon as feasible after removing PPE or handling any potentially infectious material.
    d. Handling all sharps, needles, razors, knives, broken glass, or other items that cut or puncture cautiously, using mechanical means (brush & pan, forceps, etc.) to handle these items or recap needles, and storing these items in a puncture resistant container for storage or transportation.
    e. Decontaminating non-disposable equipment (i.e. flashlight, restraints, radios, etc.) as soon as possible.

f. Housing inmates suspected of having airborne pathogens in a negative airflow cell within the jail.
g. Avoiding eating, drinking, applying cosmetics or lip balm, handling contact lenses, or any other action likely to result in exposure in a work area where blood/OPIM is present or likely to be present.
h. Disposing of biohazardous waste appropriately or labelling biohazardous material properly when it is stored.

2. When an individual's infectious status is known, employees involved in the transport or supervision of that individual are given general advisement of the individual's status as requiring Universal Precautions and having a bloodborne pathogen (but not the specific pathogen) satisfying both medical privacy concerns as well as legal requirements for notification to emergency response employees as mandated under the Ryan White Care Act (42 USC § 300ff-133; 42 USC § 300ff-136) to inform these employees of a life-threatening infectious disease.
    a. Patrol deputies and other staff may be notified via a "Universal Precautions" Hazard Flag advisement from dispatch within the call log for a given incident or contact.
    b. Detentions deputies and other staff may be notified via a Special Security Precautions (SECP) Hazard Flag on the Inmate screen in the JMS.
        i. Within the jail, these flags are entered by Sergeants once notified by medical staff when they become aware of an individual having a bloodborne pathogen during a medical screening or assessment.
        ii. When deputies become aware of an inmate with a bloodborne pathogen, a supervisor will enter this flag to make the same notification to staff

Housekeeping, Laundry, and Decontamination

1. All contaminated areas, work surfaces, or equipment shall be decontaminated as soon as possible. Decontamination may be accomplished by using EPA germicides or a 1:10 bleach to water solution.
2. When decontamination is not feasible, a clearly observable label shall be attached stipulating what remains contaminated and the nature of that contamination prior to other personnel interacting with the contaminated area or equipment.
3. All garments or clothing penetrated by blood/OPIM shall be removed as soon as possible.
4. Used inmate razors within the jail shall be collected from housing units, placed in a bag or container to prevent leakage, and disposed of as soon as practicable.
5. Sharps containers are puncture resistant, leak proof, labelled with a biohazard label or color-coded, and closed prior to removal, replacement, or movement to prevent spillage or protrusion of contents during handling. If the primary container leaks or may leak, the primary container should be placed into a secondary container that meets these stated requirements to prevent leakage.
    a. Evidentiary sharps shall be stored in sharps containers prior to submission for storage or evidence processing.
6. Clothing and other non-sharps either saturated with or covered in blood or OPIM which are to be disposed of should be done in regulated waste container in a manner compliant with the regulations of the facility managing the storage and pickup of regulated waste.
    a. Within the Weld County Jail, leak-proof, puncture-proof, and closeable regulated biohazard waste bins are managed by contracted medical staff and are colored red.
        i. Waste placed in these bins must be tied off tightly in a red biohazard bag to prevent leakage and may not be overfilled or filled above 35 lbs.
        ii. Mere presence of blood/OPIM does not meet the requirements to use these bins or be disposed of as "biohazard trash" and may instead be disposed of as normal waste.

Items placed into these bins must have soaked up or been covered in a significant quantity of blood or OPIM (i.e. bandages, wound wrapping or packing, a shirt used as a compress over a wound, etc.)

7. All soiled laundry should be assumed to be contaminated and handled with universal precautions.
    a. Uniforms and work clothing are laundered at a private contract laundry facility, (i.e., a dry cleaner under contract with the county.)
        i. Employees shall notify the contractor to use standard precautions for post-exposure clothing when delivering it to the contract facility.
    b. Inmate workers at the Weld County Jail launder institutional laundry generated by the jail and are trained to decontaminate the prisoner transport compartments of law enforcement vehicles in the booking garage.
    c. Soiled laundry should be handled as little as possible with minimal agitation, being bagged or containerized at the location where it was used or encountered in such a fashion as to prevent exterior leakage.

POST-EXPOSURE EVALUATION, INVESTIGATION, AND FOLLOW-UP

1. Employees who experience an exposure or suspected exposure shall begin decontamination procedures as soon as practicable (i.e. wash hands any other exposed skin with soap and hot water, flush eyes or other mucous membranes with water).
    a. Employees will immediately report the incident to a supervisor as soon as practicable.
    b. Supervisors notify an Exposure Control Officer as soon as possible.
2. Once the ECO is activated by the supervisor, they become a medical representative for the Sheriff's Office and are subject to confidentiality regulations.
3. Duties are delineated between the on-duty supervisor and the ECO in order to limit supervisor knowledge of protected medical information while promptly providing for both Worker's Compensation processes and the care of the employee and investigation of the source individual in the exposure incident.
4. Supervisors are responsible for reporting, documenting, and handling the exposure through normal Worker's Compensation forms and processes.
    a. Supervisors should not seek out nor include information regarding the infectious or medical statuses of either the employee or the exposure source individual.
5. The ECO will investigate the incident to determine if an exposure occurred and generate a Pathogen Exposure Incident Report, filed under the restricted-access "Pathogen Exposure" folder on the network "M" Drive.
6. The ECO shall first determine if the involved employee has suffered an exposure incident, relaying this finding immediately to the employee & supervisor.
    a. If the incident is deemed not to be an exposure, the ECO generates an Exposure Incident Report to document the rationale of a non-exposure finding. The employee will receive written notification of the non-exposure finding from the ECO within 24 hours.
7. If the employee has suffered an exposure, the ECO shall ensure the employee receives a confidential medical evaluation and follow-up for the exposure as soon as possible.
    a. If the employee has been sent for treatment/evaluation already, this determination should be communicated to the employee as soon as possible.
    b. While the ECO ensures that the employee is sent for follow-up care, the ECO does not transport or act as a "guardian deputy" for the exposed employee. The ECO instead assists the exposed employee by immediately attempting to gain voluntary source individual testing.

8. The ECO shall interview and investigate the source individual to determine HBV, HCV, and HIV infectious status. Documented consent from the source individual for a blood draw to test for these diseases or any other applicable disease is the primary goal of the interaction, in order to determine the source individual's infectious status. The identity of the source individual and their consent or refusal should be documented in the report narrative. The source individual's identity and infectious status or possible infectious status should be included in the report, including but not limited to:
    a. The individual's statements regarding their status
    b. Hazard flags or other notations in the JMS or call log
    c. Information provided by medical staff on scene or in the jail
    d. Employee personal or prior knowledge of the individual
    e. The individual's charges, possessions, or surroundings
        i. Information gained in this interview is confidential medical information and inadmissible for purposes of criminal reporting.
        ii. If the source individual can't be identified, efforts to identify them will also be documented in the report.
9. Blood draws are performed at no cost to the source individual and are instead billed to the WCSO through Worker's Compensation to aid in the employee's post-exposure care.
    a. Source individuals are entitled to the results of their blood tests
10. If the source individual provides consent for a blood draw, the ECO will facilitate the blood draw or coordinate its completion.
    a. The signed consent form for blood draw should be scanned and included in the exposure report, and if applicable, placed into the inmate's file at the Weld County Jail.
        i. In exigent circumstances, consent may be given verbally, in the presence of two staff members who may attest to the granting of that consent or a recording of such consent. This must be witnessed by the two staff members in writing and included in the inmate's file at the Weld County Jail.
        ii. Note: Consent may be revoked at any time.
    b. Within the jail, contracted medical staff may perform the blood draw of a consenting source individual that is an inmate in custody. Medical staff does not perform testing on the specimens and will instead provide the specimens to the ECO to be taken offsite for testing.
    c. Outside of the jail, source individuals may be transported to a local hospital for blood draws or blood may be drawn by a medical professional qualified to do so. The transport may be done either as part of a medical clearance prior to acceptance for book-in at the jail, or as a courtesy ride for source individual(s) in a non-criminal exposure scenario. If testing of a blood specimen is unavailable at the location of the blood draw, samples may be provided to the ECO to be taken off-site for testing.
    d. Completed blood draws are run as "rush" orders and may be submitted through the Horizon Outpatient Laboratory at Northern Colorado Medical Center.
11. If the source individual refuses to provide consent for a blood draw or is unable to provide consent for a blood draw, options for pursuing a court ordered blood draw will vary depending upon the particular circumstances of the exposure. Exposures happening as a result of an assault or other criminal act will require the ECO to coordinate with the on-call Detective (via the on-duty Patrol Sergeant) or a Detentions Criminal Specialist in order to pursue a court ordered blood draw. Exposures that happen as a result of an accident or a non-criminal act require the ECO to contact the Weld County Attorney's Office and speak directly to the Attorney responsible for the WCSO to pursue the blood draw in coordination with the ECO, the ECO Coordinator, and the County Attorney.

   a. Refer to CRS § 16-3-303.8 or CRS § 18-3-415 for court ordered blood draws when an employee suffers an exposure during a criminal act by the source individual
   b. Refer to CRS § 25-4-410 for court ordered blood draws when an employee suffers an accidental exposure to a source individual
   c. Refer to CRS § 25-4-410(1)(b)(II) & 42 USC § 300ff-133(f) for blood draws when an employee suffers an exposure and the source individual is unable to provide consent
12. Any relevant information found in the investigation of the source individual shall be provided, without delay, to the exposed employee for post-exposure evaluation and care.
13. Source individual testing will include, at a minimum, tests for HBV, HCV, and HIV. Rapid response test types should be used for all tests when available. If articulable facts exist to expand the scope of a source individual's test to include other pathogens (such as sexually transmitted diseases), this should be coordinated with the ECO Coordinator and clearly documented in the Incident Report.
   a. When the source individual is factually known to be infected a known pathogen including HBV, HCV, or HIV, that specific test (and only that test) need not be repeated.
14. A "hard-copy" of source individual test results shall be provided to the exposed employee as soon as possible if they wish.
   a. The employee shall also be given an advisement informing of applicable laws and regulations concerning disclosure of the source individual's protected information.
   b. The outcome of source testing results should be clearly noted in the Incident Report, as well as their provision to the exposed employee and associated advisement.
15. The ECO shall not provide medical advice or counsel.
16. The ECO shall not solicit, collect or retain employee infectious status information.
17. ECO's may use the State of Colorado Health Department, Centers for Disease Control, and the National Institute of Occupational Safety & Health as information resources as needed regarding necessary steps in the exposure process.
18. When an exposure investigation report is complete, the ECO Coordinator shall be informed, and will review the report for quality and compliance with this policy.

MEDICAL RECORDS

1. Only members of the Exposure Control Team shall have access to exposure records.
2. Medical information obtained by an ECO shall remain confidential and kept securely in a controlled electronic format.
   a. The "Pathogen Exposure" folder in the network "M" drive is a restricted access folder available only to the Exposure Control Team and shall contain relevant documentation for exposure incidents including:
      i. Exposure Incident Report
      ii. Source individual's consent (or a court order) for a blood draw
      iii. Protected Information/Confidentiality staff notice
      iv. Any other documentation generated during the exposure investigation
   b. Paper copies of all generated documents shall be scanned into the folder for the relevant exposure incident. Once documents are scanned, paper documents must be destroyed and not kept.
3. Employee blood results will not be gained, obtained, or kept by ECO's.

ANNUAL REVIEW

1. ECOs will review the BBPECP annually (by August 1)
2. Results shall be provided to Captains via the chain of command.

SWAT PAT .pdf

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K-9 PAT .pdf

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Admin Leave Notice - 2023.pdf

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Weld County Sheriff's Office
Administrative Leave Notice

Criminal Case Number: _____

Internal Affairs Case Number: _____

Employee Name: Choose Title Assignment: Choose Assignment

The Weld County Sheriff's Office has become aware of an incident involving your conduct or performance as an employee of the Weld County Sheriff's Office. Your continued current assignment could jeopardize the safe and orderly operations of the Weld County Sheriff's Office.

Effective immediately, you are being placed on Choose Leave Type administrative leave. You are to turn in your county badge, ID card(s), all weapons and keys issued to you or used by you during your official duty at the Weld County Sheriff's Office. You are not permitted to enter the property of Weld County Sheriff's Office without express direction from the Sheriff, Under sheriff, the Administrative Capitan, Professional Standards Lieutenant, or Internal Affairs Sergeant. You are not allowed to conduct any business under the authority of the Weld County Sheriff's Office or Weld County Government. You are required to keep the assigned investigator informed of where you can be contacted, either in person, by telephone, or voicemail/text message/email daily. Further, you are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation, your attorney or uninvolved members of the Peer Support Team (PST).

Personnel involved in an administrative investigation may request assistance from the PST Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST for assistance in dealing with the stress from the investigation or inquiry.

_____ _____

Choose Title/Rank Date/Time

Signature

_____ _____

Choose Title Date/Time

Signature

APPENDIX A - ALTERNATIVE DUTY FIREARMS .pdf

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Notice to Report to Drug and or Alcohol Test.pdf

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Notice to Report for Drug and/or Alcohol Testing

Weld County Sheriff's Office – Medtox Account 8009855

Company Name: Weld County Sheriff's Office

Phone: (970) 356-4015

Employee Name: _____

Employee ID: _____

Badge Number: _____

Specimen Collection Site: **Medical Services**
1009 37th Ave Ct
Unit 202 Greeley
Colorado 80634
(970) 351-7447

Test Type:

- ☐ Drug ☐ Alcohol
- ☐ Pre-employment (drug only)
- ☐ Random
- ☐ Reasonable Suspicion
- ☐ Post-Accident
- ☐ Return to Duty
- ☐ Follow up

Dear _____

You are required to report immediately for a drug and/or alcohol test. The testing program is a condition of employment and required by the **authority of the Sheriff's Office Drug and Alcohol Program.**

Date Form Given: _____ Time Form Given: _____

Arrival at Test Site – Date: _____ Time Arrived: _____

You must present a picture ID at the collection site.

_____
Supervisor

Your supervisor can be reached at _____

SWAT PAT.pdf

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SWAT PAT

1. Deputy will start seated in a vehicle.
2. On the command of GO, the deputy will get out of car and run two full laps, on completion of the 2nd lap deputy will clear simulated jump obstacle.
3. Deputy must run to and clear the 4-foot wall.
4. Deputy will run to and clear the 6-foot wall.
5. Deputy will then run to the low crawl (must get down on all fours and crawl).
6. Deputy will pick up the 50-pound kettlebell and walk to cone and back to the low crawl (deputy can carry kettlebell anyway they see fit).
7. Deputy will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the deputy knocks off one of the hurdles, the deputy must replace hurdle and start obstacle over.
8. Deputy will run to the serpentine and follow the appropriate arrows (deputy cannot touch or swing on poles).
9. Deputy will run to window and climb through the window.
10. Deputy will run to the simulated body drag. Deputy will pull the drag sled (180lbs) 75 feet and must clear the 75-foot grey line
11. Deputy will run to staircase, must ascend the stairs, and descend the opposite set of stairs (must touch every step up and down). Deputy will complete 4 sets (must go up, down and around). If instructions are not followed you must start obstacle over.
12. After third set of stairs, deputy will run to the door. Deputy must go through the door, pick up handgun and place through one of the rings and fire 6 trigger pulls with the dominant hand and 6 trigger pulls with non-dominant hand without touching the ring (if deputy touches any part of the ring with the handgun, deputy must place down gun and begin obstacle over).
13. Deputy will then run one complete lab on the inside of the track.
14. Deputy will then run to the ropes. Deputy must complete 10 rope swings over the 36" post.
15. Deputy will then run to the push-pull (225lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time).
16. Repeat steps 14 and 15 for three complete rotations.
17. Deputy will move to the controlled handcuffing and cuff the dummy.
18. Deputy will run back to the car and close the door. Time will stop.

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-4215
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

SWAT PAT

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2. On the command of GO, the deputy will get out of car and run two full laps, on completion of the 2nd lap deputy will clear simulated jump obstacle.
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4. Deputy will run to and clear the 6-foot wall.
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6. Deputy will pick up the 50-pound kettlebell and walk to cone and back to the low crawl (deputy can carry kettlebell anyway they see fit).
7. Deputy will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the deputy knocks off one of the hurdles, the deputy must replace hurdle and start obstacle over.
8. Deputy will run to the serpentine and follow the appropriate arrows (deputy cannot touch or swing on poles).
9. Deputy will run to window and climb through the window.
10. Deputy will run to the simulated body drag. Deputy will pull the drag sled (180lbs) 75 feet and must clear the 75-foot grey line
11. Deputy will run to staircase, must ascend the stairs, and descend the opposite set of stairs (must touch every step up and down). Deputy will complete 3 sets (must go up, down and around). If instructions are not followed you must start obstacle over.
12. After third set of stairs, deputy will run to the door. Deputy must go through the door, pick up handgun and place through one of the rings and fire 6 trigger pulls with the dominant hand and 6 trigger pulls with non-dominant hand without touching the ring (if deputy touches any part of the ring with the handgun, deputy must place down gun and begin obstacle over).
13. Deputy will then run one complete lab on the inside of the track.
14. Deputy will then run to the ropes. Deputy must complete 10 rope swings over the 36" post.
15. Deputy will then run to the push-pull (225lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time).
16. Repeat steps 14 and 15 for three more complete rotations.
17. Deputy will move to the controlled handcuffing and cuff the dummy.
18. Deputy will run back to the car and close the door. Time will stop.

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K-9 PAT.pdf

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K-9 PAT

1. Deputy will start seated in a vehicle.
2. On the command of GO, the deputy will get out of car and run one full lap, after the completion of the first lap the deputy will clear simulated jump obstacle.
3. Deputy must run to 4-foot wall, pick up simulated dog (70lbs) and lift over 4-foot wall and clear 4-foot wall themselves.
4. Deputy will then pick up simulated dog (70lbs) and carry to low crawl and then back to the 4-foot wall.
5. Deputy will then run to the low crawl (must get down on all fours and crawl).
6. Deputy will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the deputy knocks off one of the hurdles, the deputy must replace hurdle and start obstacle over.
7. Deputy will run to the serpentine and follow the appropriate arrows (deputy cannot touch or swing on poles).
8. Deputy will run to window and climb through the window.
9. Deputy will run to the simulated body drag. Deputy will pull the drag sled (160lbs) 50 feet and must clear the 50-foot grey line.
10. Deputy will run to staircase, must ascend the stairs, and descend the opposite set of stairs (must touch every step up and down). Deputy will complete 3 sets (must go up, down and around). If instructions are not followed you must start obstacle over.
11. After third set of stairs, deputy will run to the door. Deputy must go through the door, pick up handgun and place through one of the rings and fire 6 trigger pulls with the dominant hand and 6 trigger pulls with non-dominant hand without touching the ring (if deputy touches any part of the ring with the handgun, deputy must place down gun and begin obstacle over).
12. Deputy will then run one complete lap on the inside of the track.
13. Deputy will then run to the ropes. Deputy must complete 10 rope swings over the 36” post.
14. Deputy will then run to the push-pull (225lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time).
15. Repeat steps 13 and 14 for two complete rotations.
16. Deputy will move to the controlled handcuffing and cuff the dummy.
17. Deputy will run back to the car and close the door. Time will stop.

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K-9 PAT

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2. On the command of GO, the deputy will get out of car and run one full lap, after the completion of the first lap the deputy will clear simulated jump obstacle.
3. Deputy must run to 4-foot wall, pick up simulated dog (70lbs) and lift over 4-foot wall and clear 4-foot wall themselves.
4. Deputy will then pick up simulated dog (70lbs) and carry to low crawl and then back to the 4-foot wall.
5. Deputy will then run to the low crawl (must get down on all fours and crawl).
6. Deputy will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the deputy knocks off one of the hurdles, the deputy must replace hurdle and start obstacle over.
7. Deputy will run to the serpentine and follow the appropriate arrows (deputy cannot touch or swing on poles).
8. Deputy will run to window and climb through the window.
9. Deputy will run to the simulated body drag. Deputy will pull the drag sled (160lbs) 50 feet and must clear the 50-foot grey line.
10. Deputy will run to staircase, must ascend the stairs, and descend the opposite set of stairs (must touch every step up and down). Deputy will complete 3 sets (must go up, down and around). If instructions are not followed you must start obstacle over.
11. After third set of stairs, deputy will run to the door. Deputy must go through the door, pick up handgun and place through one of the rings and fire 6 trigger pulls with the dominant hand and 6 trigger pulls with non-dominant hand without touching the ring (if deputy touches any part of the ring with the handgun, deputy must place down gun and begin obstacle over).
12. Deputy will then run one complete lap on the inside of the track.
13. Deputy will then run to the ropes. Deputy must complete 10 rope swings over the 36” post.
14. Deputy will then run to the push-pull (225lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time).
15. Repeat steps 13 and 14 for two more complete rotations.
16. Deputy will move to the controlled handcuffing and cuff the dummy.
17. Deputy will run back to the car and close the door. Time will stop.

Detentions PAT.pdf

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Detentions PAT

1. Deputy will start seated in a chair.
2. On the command of GO, the deputy will get out of chair and run one full lap, after the completion of the first lap, the deputy will clear the simulated jump obstacle.
3. Deputy will then run to the low crawl (must get down on all fours and crawl).
4. Deputy will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the deputy knocks off one of the hurdles, the deputy must replace hurdle and start obstacle over.
5. Deputy will run to the serpentine and follow the appropriate arrows (deputy cannot touch or swing on poles).
6. Deputy will run to the simulated body drag. Deputy will pull the drag sled (160lbs) 50 feet and must clear the 50-foot grey line.
7. Deputy will run to staircase, must ascend the stairs, and descend the opposite set of stairs (must touch every step up and down). Deputy will complete 3 sets (must go up, down and around). If instructions are not followed, you must start obstacle over.
8. After third set of stairs, deputy will run to the door. Deputy must go through the door, pick up handgun and place it through one of the rings and fire 6 trigger pulls with the dominant hand and 6 trigger pulls with non-dominant hand without touching the ring (if deputy touches any part of the ring with the handgun, deputy must place down gun and begin obstacle over).
9. Deputy will then run to the ropes. Deputy must complete 10 rope swings over the 36” post.
10. Deputy will then run to the push-pull (180lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time).
11. Repeat steps 9 and 10 for two complete rotations.
12. Deputy will move to the controlled handcuffing and cuff the dummy.
13. Deputy will run to start chair and sit down, and time will stop.

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-4215
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

Patrol PAT.pdf

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Patrol PAT

1. Deputy will start seated in a vehicle.
2. On the command of GO, the deputy will get out of car and run one full lap, after the completion of the first lap, the deputy will clear simulated jump obstacle.
3. Deputy must run to and clear 4-foot wall.
4. Deputy will then run to the low crawl. (must get down on all fours and crawl)
5. Deputy will run to hurdles and must clear all hurdles over the top (CANNOT swing legs around the hurdles). If the deputy knocks off one of the hurdles, the deputy must replace hurdle and start obstacle over.
6. Deputy will run to the serpentine and follow the appropriate arrows (deputy cannot touch or swing on poles).
7. Deputy will run to window and climb through the window.
8. Deputy will run to the simulated body drag. Deputy will pull the drag sled (160lbs) 50 feet and must clear the 50-foot grey line
9. Deputy will run to staircase, must ascend the stairs, and descend the opposite set of stairs. (must touch every step up and down) Deputy will complete 3 sets (must go up, down and around). If instructions are not followed you must start obstacle over.
10. After third set of stairs, deputy will run to the door. Deputy must go through the door, pick up handgun and place it through one of the rings and fire 6 trigger pulls with the dominant hand and 6 trigger pulls with non-dominant hand without touching the ring (if deputy touches any part of the ring with the handgun, deputy must place down gun and begin obstacle over.)
11. Deputy will then run to the ropes. Deputy must complete 10 rope swings over the 36" post.
12. Deputy will then run to the push-pull (180lbs), complete push past the 15-foot line and pull back 15 feet (clearing the grey line each time)
13. Repeat steps 11 and 12 for two complete rotations.
14. Deputy will move to the controlled handcuffing and cuff the dummy.
15. Deputy will run back to car and close the door. Time will stop.

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Showup Provisions.pdf

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Eyewitness Showup provisions

The following are guidelines to perform an eyewitness showup that complies with state statute 16-1-109 Eyewitness Identification Procedures. The following guidelines are based upon nationally recognized peer-reviewed research.

- ☐ If there are multiple eyewitnesses, they shall be kept separate from each other; including when transported, while viewing the subject, and at any other time.
- ☐ If there are multiple subjects, the deputy shall separate the subjects and conduct separate showups for each subject.
- ☐ The location must be as well-lit as practicable with an unobstructed view of the subject.
- ☐ The deputy shall avoid external suggestive factors such as verbal comments, MDT screen data, or any other information related to the subject.
- ☐ The deputy shall not require the subject to put on clothing, speak specific words, or perform any specific actions intended to mimic the suspect.
- ☐ The subject shall not be shown to the eyewitness in handcuffs or in the back of a patrol car, **except when necessary to prevent an imminent threat of harm or escape**. If necessary, document the circumstances in a written report.
- ☐ If feasible, an interpreter should be used for eyewitnesses who have limited English proficiency or are hearing impaired.
- ☐ The deputy shall photograph or video the subject and the showup location to preserve a record of the subject at the lime of the identification. If the deputy is wearing a bodycam, the entire procedure shall be recorded including the admonition given to the witness.
- ☐ If the eyewitness makes an identification during a showup, the deputy shall ask whether the witness is "confident," "somewhat confident, 'or "not confident'' about the identification. The deputy shall take a clear statement from the eyewitness and document it in the witness's own words.

Showup Identification Eyewitness Admonishment

- You should not assume the person you are about to see has committed a crime;
- We could be showing you a person for many reasons, including to clear the person from the investigation;
- Eliminating a person from an investigation serves an equally important purpose as identifying a person who might have been involved in the criminal activity;
- The investigation of this matter will continue whether or not you identify a person;
- Apart from individual assistance and cooperation with law enforcement, we cannot discuss the investigation with you; and
- Please do not discuss what you saw, said, or did during this procedure with any other eyewitnesses

Level of Confidence

Confident **Somewhat confident** **Not Confident**

_____ _____
Eyewitness Date/Time

_____ _____
Deputy Date/Time

Ver. Nov '21

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Garrity Notice -2023.pdf

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Weld County Sheriff's Office
Garrity Notice

Criminal Case Number: _____

IA Case Number: _____

Employee Name: Choose Title _____ Assignment: Detentions

You are being questioned as part of an official administrative investigation by the Weld County Sheriff's Office. You will be asked questions specifically directed and related to the performance of your official duties or fitness for office. You are ordered to answer all questions asked of you. If you refuse to testify or answer questions truthfully relating to your performance of your official duties or fitness for duty, you will be subject to departmental discipline, which could result in your dismissal from this agency. If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any criminal proceeding, except if you knowingly and willfully make false statements. However, these statements may be used against you in relation to subsequent departmental charges.

Further, you are hereby ordered not to discuss this investigation with anyone except the supervisor or investigator assigned to this investigation and or your attorney.

The above notice was read to me by: Choose Title/Rank _____

at: _____

_____ _____

Choose Title/Rank Date/Time

Signature

_____ _____

Choose Title Date/Time

Signature

Extension Request -2023.pdf

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Weld County Sheriff's Office
Administrative Investigation
Extension

To: WCSO Sheriff or Designee, via Chain of Command

From: Choose Title

Date: _____

Ref: _____

The above referenced administrative investigation was opened on:

In accordance with WCSO Policy, it should be completed by:

The investigation is not complete due to:

For the reasons above, I formally request a due date extension to:

_____ _____

Choose Title — Date

Signature

Sheriff's Review:

☐ Approved

☐ Denied

_____ _____

Sheriff or designee Signature — Date

Notice of Investigation -2023.pdf

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Weld County Sheriff's Office
Notice of Investigation

Employee Name: Choose Title Assignment: Choose Assignment
Employee Supervisor: Choose Title
IA Case Number:
Criminal Case Number:

This letter is to inform you that you are a subject employee in an administrative investigation due to alleged actions or conduct in conflict with Weld County Code, Weld County Sheriff's Office Policy, General Orders, or other directives.

☐ On ☐ Between

Choose Title was alleged to have:

You are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation, your attorney or uninvolved members of the peer support team. You are ordered not to solicit any details of the incident, contact individuals as potential witnesses or otherwise become involved in the investigation.

Personnel involved in an administrative investigation may request assistance from the Peer Support Team (PST) Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST in dealing with the stress from the investigation or inquiry.

Choose Title Date/Time

Signature

Original given to Employee
Copy to Employee's Supervisor

2024 WCSO Bloodborne Pathogen Exposure Control Plan.pdf

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Weld County Sheriff's Office

BLOODBORNE PATHOGEN EXPOSURE CONTORL PLAN

Purpose and Scope

The purpose of the Bloodborne Pathogen Exposure Control Plan (ECP) is to establish a unified approach throughout the agency to handle exposure incidents in which employees are exposed to bloodborne pathogens (BBP) or other potentially infectious materials (OPIM) while performing their assigned duties. The ECP will guide Exposure Control Officers (ECOs)as they ensure appropriate post-exposure care for affected employees while accounting for agency needs and ensuring compliance with applicable standards of care while considering legal obligations.

Rationale

Any employee may experience an occupational exposure to blood or other potentially infectious materials. All employees shall observe universal precautions to prevent contact with BBP or OPIM. All bodily fluids, to include blood/OPIM, will be considered infectious regardless of the perceived status of the source or source individual(s). Engineering and work practice controls will be provided where applicable and utilized by employees in order to eliminate or minimize exposure risk. When exposures are reported, trained employees (ECOs) must respond to determine if an exposure occurred. In the event of an exposure, the ECO will respond to investigate the infectious status of the source individual(s).

References

Colorado Revised Statutes § 16-3-303.8 [Testing for communicable diseases – court order required]

Colorado Revised Statutes § 18-3-203 [Assault in the second degree]

Colorado Revised Statutes § 18-3-204 [Assault in the third degree]

Colorado Revised Statutes § 18-3-415 [Testing for persons charged with sexual offense]

Colorado Revised Statutes § 18-3-415.5 [Testing persons charged with certain sexual offenses for serious sexually transmitted infections]

Colorado Revised Statutes § 25-4-408 [Infection control – duties]

Colorado Revised Statutes § 25-4-410 [Patient consent – rights of patients, victims, and pregnant women]

Code of Federal Regulations 45 CFR § 164.512 (HIPAA) sections (j), (k), (l) [Uses and disclosures for which an authorization or opportunity to agree or object is not required]

United States Code 42 USC § 300ff131 – 140 (Ryan White Care Act, Part G) [Notification of Possible Exposure to Infectious Diseases]

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7158881/ [properly fitting PPE and proper donning and doffing]

Definitions

Bloodborne pathogen (BBP) - Pathogenic microorganisms that are present in human blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Exposure Control Officer (ECO) - A trained employee of the Weld County Sheriff's Office who assists members of the agency by ensuring that proper notification of exposures takes place and that employees are provided appropriate post exposure medical treatment, in accordance with Centers for Disease Control guidelines, Colorado Revised Statutes, and the Ryan White Care Act. ECO's are primarily responsible for the creation and completion of Exposure Incident Reports, the gathering of information and investigating exposures, and act as a liaison between

the affected employee and their supervisor with regards to medical treatment or follow-up. ECO's act as medical professionals in the execution of their duties.

ECC (Coordinator) – A Sergeant acting as the Exposure Control Coordinator responsible for the creation, maintenance, and oversight of the exposure control plan and its execution, coordination of required training, and generating statistical reports as necessary. The ECO Coordinator reports to an Administrative Lieutenant regarding the ongoing management of the ECO Team.

Exposure Incident - An incident in which blood or other potentially infectious materials comes in direct contact with the non-intact skin, eye, mouth, or other mucous membrane, or other parenteral contact that results from the performance of the employee's duties.

Exposure Incident Report – A report that documents the circumstances of an exposure incident including the names of the parties involved, date and time of exposure, location where the exposure occurred, nature and type of the exposure, and source patient information to include infectious status for HBV, HCV, and HIV.

Personal Protective Equipment (PPE) - Specialized clothing or equipment worn by an employee to reduce the risk of exposure of an employee's skin or mucus membranes to potentially infections materials (i.e. latex gloves, goggles/masks, gowns, one-way CPR masks, etc.) General work clothes (uniforms, pants, shirts, etc.) are not intended to function as protection against a hazard and are not considered to be personal protective equipment.

Secure Precautions (SECP) or Universal Precautions Hazard Flag - A deliberately vague notation in the flags/hazards section of an inmate's page in the JMS or hazard notation that exists solely if an individual is known to have an infectious disease which emergency response employees would be required by law to be informed of, while simultaneously protecting the individual's medical privacy rights.

Occupational Exposure - Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious material that may result from the performance of an employee's job duties.

Universal Precautions - An approach to infection control in which all human blood and certain other bodily fluids defined by 29 CFR 1910.1030 (semen, vaginal secretions, amniotic fluid, cerebrospinal fluid, synovial fluid, pleural fluid, and peritoneal fluid) are treated as if known to be infectious for bloodborne pathogens and require infection control procedures using protective barriers such as PPE.

Engineering Controls – a prevention strategy that eliminates or reduces exposure to blood or potentially infections material through the use of substitution of engineered machinery or equipment. Examples include, but are not limited to, self-capping syringe needles, ventilation systems such as a fume hood or a negative air pressure room.

Control Plan Administration

Employees within the agency will receive an explanation of this Exposure Control Plan (ECP) during their initial agency training. Annual refresher training on the control plan will be reviewed with employees that are ECOs.

1. The ECO Coordinator is responsible for reviewing and updating the ECP annually, or more frequently if necessary. These updates should reflect new or modified tasks and procedures that affect occupational exposure as well as new or revised positions with occupational exposure.
2. The ECO Coordinator will investigate any complaints made regarding the ECP as a whole or the performance of an ECO related to their involvement with an exposure incident.
3. The ECO Coordinator is responsible for ensuring that there are adequate numbers of ECO's within the agency to be able to handle exposures that occur.

4. The ECO Coordinator will ensure that all ECO's are trained and that an updated list with contact phone numbers of current ECO's is available to supervisors (to be stored in a file on the current server).

PREVENTION AND MITIGATION OF OCCUPATIONAL EXPOSURE

Hepatitis B Vaccination Program

1. The Hepatitis B vaccination series is available to all employees through the Weld County Employee Medical Clinic provider. The vaccination and any routine boosters are offered at no cost for employees.
    a. Vaccination is encouraged but not mandatory.
    b. If refused, the vaccination remains available at no cost, at any time throughout employment if the employee later decides to receive this benefit.

Personal Protective Equipment (PPE)

1. Approved PPE is provided to employees by the agency at no cost. Employees are required to use appropriate PPE for the task being performed.
    a. Exceptions may be articulated when applying PPE is impractical or hazardous to the safety of the staff member or to members of the public.
    b. Provided PPE shall not permit blood/OPIM to pass through or reach the employee's clothing, skin, mouth, or other mucous membranes under normal conditions of use and for the duration of time the PPE is expected to be used.
    c. Proper donning and doffing of PPE play an important role in avoiding inadvertent exposures. Employees should not only properly don and doff PPE as prescribed in training, but all PPE should fit properly as well.
2. Disposable protective gloves shall be made available to all staff at all agency work sites, including jail housing unit stations, assigned county vehicles, and crime scenes. Gloves shall be worn by employees when touching/handling items or surfaces where blood/OPIM, non-intact skin, or mucous membranes may be reasonably anticipated.
    a. Gloves will never be washed or decontaminated for reuse and must be replaced as soon as feasible when they become contaminated or if their ability to function as a barrier against contamination is compromised.
3. Wearing masks in combination with eye protection devices (i.e. goggles, glasses with solid side shield, or chin length face shields), is highly encouraged whenever splashes, spray, spatter, or droplets of blood/OPIM may be generated and potential contamination of the eye, nose, or mouth can reasonably be anticipated.

Engineering Controls, Work Practices, and General Precautions

1. All staff members are expected to use good judgment and follow training to mitigate the risks of occupational exposure. This includes, but is not limited to the following:
    a. Using universal precautions, treating all human blood and bodily fluids/tissues as if it is known to be contaminated with bloodborne pathogens.
    b. Stocking disposable gloves, blood exposure control kits, one-way CPR masks, and any other appropriate PPE at any duty station, and reporting any deficiencies to a supervisor.
    c. Washing hands immediately or as soon as feasible after removing PPE or handling any potentially infectious material.
    d. Handling all sharps, needles, razors, knives, broken glass, or other items that cut or puncture cautiously, using mechanical means (brush & pan, forceps, etc.) to handle these items or recap needles, and storing these items in a puncture resistant container for storage or transportation.

e. Decontaminating non-disposable equipment (i.e. flashlight, restraints, radios, etc.) as soon as possible.
f. Housing inmates suspected of having airborne pathogens in a negative airflow cell within the jail.
g. Avoiding eating, drinking, applying cosmetics or lip balm, handling contact lenses, or any other action likely to result in exposure in a work area where blood/OPIM is present or likely to be present.
h. Disposing of biohazardous waste appropriately or labelling biohazardous material properly when it is stored.

2. When an individual's infectious status is known, employees involved in the transport or supervision of that individual are given general advisement of the individual's status as requiring Universal Precautions and having a bloodborne pathogen (but not the specific pathogen) satisfying both medical privacy concerns as well as legal requirements for notification to emergency response employees as mandated under the Ryan White Care Act (42 USC § 300ff-133; 42 USC § 300ff-136) to inform these employees of a life-threatening infectious disease.
    a. Patrol deputies and other staff may be notified via a "Universal Precautions" Hazard Flag advisement from dispatch within the call log for a given incident or contact.
    b. Detentions deputies and other staff may be notified via the current JMS.
        i. Within the jail, these flags are entered by Sergeants once notified by medical staff when they become aware of an individual having a bloodborne pathogen during a medical screening or assessment.
        ii. When deputies become aware of an inmate with a bloodborne pathogen, a supervisor will enter this flag to make the same notification to staff

Housekeeping, Laundry, and Decontamination

1. All contaminated areas, work surfaces, or equipment shall be decontaminated as soon as possible. Decontamination may be accomplished by using EPA germicides or a 1:10 bleach to water solution.
2. When decontamination is not feasible, a clearly observable label shall be attached stipulating what remains contaminated and the nature of that contamination prior to other personnel interacting with the contaminated area or equipment.
3. All garments or clothing penetrated by blood/OPIM shall be removed as soon as possible.
4. Used inmate razors within the jail shall be collected from housing units, placed in a bag or container to prevent leakage, and disposed of as soon as practicable.
5. Sharps containers are puncture resistant, leak proof, labelled with a biohazard label or color-coded, and closed prior to removal, replacement, or movement to prevent spillage or protrusion of contents during handling. If the primary container leaks or may leak, the primary container should be placed into a secondary container that meets these stated requirements to prevent leakage.
    a. Evidentiary sharps shall be stored in sharps containers prior to submission for storage or evidence processing.
6. Clothing and other non-sharps either saturated with or covered in blood or OPIM which are to be disposed of should be done in regulated waste container in a manner compliant with the regulations of the facility managing the storage and pickup of regulated waste.
    a. Within the Weld County Jail, leak-proof, puncture-proof, and closeable regulated biohazard waste bins are managed by contracted medical staff and are colored red.
        i. Waste placed in these bins must be tied off tightly in a red biohazard bag to prevent leakage and may not be overfilled or filled above 35 lbs.

        ii. Mere presence of blood/OPIM does not meet the requirements to use these bins or be disposed of as "biohazard trash" and may instead be disposed of as normal waste. Items placed into these bins must have soaked up or been covered in a significant quantity of blood or OPIM (i.e. bandages, wound wrapping or packing, a shirt used as a compress over a wound, etc.)

7. All soiled laundry should be assumed to be contaminated and handled with universal precautions.
    a. Uniforms and work clothing are laundered at a private contract laundry facility, (i.e., a dry cleaner under contract with the county.)
        i. Employees shall notify the contractor to use standard precautions for post-exposure clothing when delivering it to the contract facility.
    b. Inmate workers at the Weld County Jail launder institutional laundry generated by the jail and are trained to decontaminate the prisoner transport compartments of law enforcement vehicles in the booking garage.
    c. Soiled laundry should be handled as little as possible with minimal agitation, being bagged or containerized at the location where it was used or encountered in such a fashion as to prevent exterior leakage.

POST-EXPOSURE EVALUATION, INVESTIGATION, AND FOLLOW-UP

1. Employees who experience an exposure or suspected exposure shall begin decontamination procedures as soon as practicable (i.e. wash hands any other exposed skin with soap and hot water, flush eyes or other mucous membranes with water).
    a. Employees will immediately report the incident to a supervisor as soon as practicable.
    b. Supervisors notify an Exposure Control Officer as soon as possible.
2. Once the ECO is activated by the supervisor, they become a medical representative for the Sheriff's Office and are subject to confidentiality regulations.
3. Duties are delineated between the on-duty supervisor and the ECO in order to limit supervisor knowledge of protected medical information while promptly providing for both Worker's Compensation processes and the care of the employee and investigation of the source individual in the exposure incident.
4. Supervisors are responsible for reporting, documenting, and handling the exposure through normal Worker's Compensation forms and processes.
    a. Supervisors should not seek out nor include information regarding the infectious or medical statuses of either the employee or the exposure source individual.
5. The ECO will investigate the incident to determine if an exposure occurred and generate a Pathogen Exposure Incident Report, filed under the restricted-access "Pathogen Exposure" folder on the network "M" Drive.
6. The ECO shall first determine if the involved employee has suffered an exposure incident, relaying this finding immediately to the employee & supervisor.
    a. If the incident is deemed not to be an exposure, the ECO generates an Exposure Incident Report to document the rationale of a non-exposure finding. The employee will receive written notification of the non-exposure finding from the ECO within 24 hours.
7. If the employee has suffered an exposure, the ECO shall ensure the employee receives a confidential medical evaluation and follow-up for the exposure as soon as possible.
    a. If the employee has been sent for treatment/evaluation already, this determination should be communicated to the employee as soon as possible.

   b. While the ECO ensures that the employee is sent for follow-up care, the ECO does not transport or act as a "guardian deputy" for the exposed employee. The ECO instead assists the exposed employee by immediately attempting to gain voluntary source individual testing.

8. The ECO shall interview and investigate the source individual to determine HBV, HCV, and HIV infectious status. Documented consent from the source individual for a blood draw to test for these diseases or any other applicable disease is the primary goal of the interaction, in order to determine the source individual's infectious status. The identity of the source individual and their consent or refusal should be documented in the report narrative. The source individual's identity and infectious status or possible infectious status should be included in the report, including but not limited to:
   a. The individual's statements regarding their status
   b. Hazard flags or other notations in the JMS or call log
   c. Information provided by medical staff on scene or in the jail
   d. Employee personal or prior knowledge of the individual
   e. The individual's charges, possessions, or surroundings
      i. Information gained in this interview is confidential medical information and inadmissible for purposes of criminal reporting.
      ii. If the source individual can't be identified, efforts to identify them will also be documented in the report.
9. Blood draws are performed at no cost to the source individual and are instead billed to the WCSO through Worker's Compensation to aid in the employee's post-exposure care.
   a. Source individuals are entitled to the results of their blood tests
10. If the source individual provides consent for a blood draw, the ECO will facilitate the blood draw or coordinate its completion.
   a. The signed consent form for blood draw should be scanned and included in the exposure report, and if applicable, placed into the inmate's file at the Weld County Jail.
      i. In exigent circumstances, consent may be given verbally, in the presence of two staff members who may attest to the granting of that consent or a recording of such consent. This must be witnessed by the two staff members in writing and included in the inmate's file at the Weld County Jail.
      ii. Note: Consent may be revoked at any time.
   b. Within the jail, contracted medical staff may perform the blood draw of a consenting source individual that is an inmate in custody. Medical staff does not perform testing on the specimens and will instead provide the specimens to the ECO to be taken offsite for testing.
   c. Outside of the jail, source individuals may be transported to a local hospital for blood draws or blood may be drawn by a medical professional qualified to do so. The transport may be done either as part of a medical clearance prior to acceptance for book-in at the jail, or as a courtesy ride for source individual(s) in a non-criminal exposure scenario. If testing of a blood specimen is unavailable at the location of the blood draw, samples may be provided to the ECO to be taken off-site for testing.
   d. Completed blood draws are run as "rush" orders and may be submitted through the Horizon Outpatient Laboratory at Northern Colorado Medical Center.
11. If the source individual refuses to provide consent for a blood draw or is unable to provide consent for a blood draw, options for pursuing a court ordered blood draw will vary depending upon the circumstances of the exposure. Exposures happening as a result of an assault or other criminal act will require the ECO to coordinate with the on-call Detective (via the on-duty Patrol Sergeant) or a Detentions Criminal Specialist in order to pursue a court ordered blood draw. Exposures that happen as a result of an accident or a non-criminal act require the ECO to contact the Weld County Attorney's Office and speak directly to

the Attorney responsible for the WCSO to pursue the blood draw in coordination with the ECO, the ECO Coordinator, and the County Attorney.
    a. Refer to CRS § 16-3-303.8 or CRS § 18-3-415 for court ordered blood draws when an employee suffers an exposure during a criminal act by the source individual
    b. Refer to CRS § 25-4-410 for court ordered blood draws when an employee suffers an accidental exposure to a source individual
    c. Refer to CRS § 25-4-410(1)(b)(II) & 42 USC § 300ff-133(f) for blood draws when an employee suffers an exposure and the source individual is unable to provide consent
12. Any relevant information found in the investigation of the source individual shall be provided, without delay, to the exposed employee for post-exposure evaluation and care.
13. Source individual testing will include, at a minimum, tests for HBV, HCV, and HIV. Rapid response test types should be used for all tests when available. If articulable facts exist to expand the scope of a source individual's test to include other pathogens (such as sexually transmitted diseases), this should be coordinated with the ECO Coordinator and clearly documented in the Incident Report.
    a. When the source individual is factually known to be infected a known pathogen including HBV, HCV, or HIV, that specific test (and only that test) need not be repeated.
14. A "hard-copy" of source individual test results shall be provided to the exposed employee as soon as possible if they wish.
    a. The employee shall also be given an advisement informing of applicable laws and regulations concerning disclosure of the source individual's protected information.
    b. The outcome of source testing results should be clearly noted in the Incident Report, as well as their provision to the exposed employee and associated advisement.
15. The ECO shall not provide medical advice or counsel.
16. The ECO shall not solicit, collect or retain employee infectious status information.
17. ECO's may use the State of Colorado Health Department, Centers for Disease Control, and the National Institute of Occupational Safety & Health as information resources as needed regarding necessary steps in the exposure process.
18. When an exposure investigation report is complete, the ECO Coordinator shall be informed, and will review the report for quality and compliance with this policy.

MEDICAL RECORDS

1. Only members of the Exposure Control Team shall have access to exposure records.
2. Medical information obtained by an ECO shall remain confidential and kept securely in a controlled electronic format.
    a. The "Pathogen Exposure" folder in the network "M" drive is a restricted access folder available only to the Exposure Control Team and shall contain relevant documentation for exposure incidents including:
        i. Exposure Incident Report
        ii. Source individual's consent (or a court order) for a blood draw
        iii. Protected Information/Confidentiality staff notice
        iv. Any other documentation generated during the exposure investigation
    b. Paper copies of all generated documents shall be scanned into the folder for the relevant exposure incident. Once documents are scanned, paper documents must be destroyed and not kept.
3. Employee blood results will not be gained, obtained, or kept by ECO's.

Weld County Sheriff's Office

BLOODBORNE PATHOGEN EXPOSURE CONTORL PLAN

ANNUAL REVIEW

1. ECOs will review the BBPECP annually (by August 1)
2. Results shall be provided to Captains via the chain of command.

Notice of Investigation 2024.pdf

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Weld County Sheriff's Office
Notice of Investigation

Employee Name: _____ Assignment:
Employee Supervisor: _____
IA Case Number: _____
Criminal Case Number: _____

This letter is to inform you that you are a Choose employee in an internal investigation due to alleged actions or conduct in conflict with Weld County Code, Weld County Sheriff's Office Policy, General Orders, or other directives.

☑ On ☐ Between

was alleged to have:

You are hereby ordered not to discuss this investigation with anyone except the investor assigned to this investigation, your attorney, uninvolved members of the peer support team, or your significant other. You are ordered not to solicit any details of the incident, contact individuals as potential witnesses or otherwise become involved in the investigation.

Personnel involved in an internal investigation may request assistance from the Peer Support Team (PST) Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST in dealing with the stress from the investigation or inquiry.

_____ _____

Choose Title Date/Time

Signature

Original given to Employee
Copy to Employee's Supervisor

APPENDIX A - ALTERNATIVE DUTY FIREARMS 2025.pdf

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APPENDIX A
ALTERNATIVE DUTY FIREARMS

Approved Duty and Secondary Firearms Manufacturers:

- Beretta
- Browning
- Bushmaster
- Colt
- CZ
- DPMS
- Fabrique Nationale (FN Herstal, FN)
- Glock
- Heckler & Kock (H&K, HK)
- Kimber
- LWRC
- Para Ordinance
- Rock River Arms
- Ruger
- Sig Sauer
- Smith & Wesson
- Springfield Armory, XD models.
- Stag Arms
- Wilson Combat

Approved Red Dot Sight Manufacturers:

- Holosun
- Leupold
- Sig Sauer
- Trijicon
- Vortex
- Steiner
- Burris
- EOTECH

Admin Leave Notice 2024.pdf

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Weld County Sheriff's Office
Administrative Leave Notice

Criminal Case Number: _____

IA Case Number: _____

Employee Name: Title/Rank Assignment: Choose Assignment

The Weld County Sheriff's Office has become aware of an incident involving your conduct or performance as an employee of the Weld County Sheriff's Office. Your continued current assignment could jeopardize the safe and orderly operations of the Weld County Sheriff's Office.

Effective immediately, you are being placed on Choose Leave Type administrative leave. You are to turn in your county badge, ID card(s), all weapons and keys issued to you or used by you during your official duty at the Weld County Sheriff's Office. You are not permitted to enter the property of Weld County Sheriff's Office without express direction from the Sheriff, Undersheriff, Professional Standards Lieutenant, or IA Sergeant. You are not allowed to conduct any business under the authority of the Weld County Sheriff's Office or Weld County Government. You are required to keep the investigator informed of where you will be and how you can be contacted on a daily basis. Further, you are hereby ordered not to discuss this investigation with anyone except the investor assigned to this investigation, your attorney, the PST Clinical Advisor, or your significant other.

Personnel involved in an internal investigation may request assistance from the PST Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST for assistance in dealing with the stress from the investigation or inquiry.

Title/Rank _____ Date/Time

Signature

Title/Rank _____ Date/Time

Signature

APPENDIX A - ALTERNATIVE DUTY FIREARMS 2026 V2.pdf

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APPENDIX A
ALTERNATIVE DUTY FIREARMS

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- Glock
- Heckler & Kock (H&K, HK)
- Kimber
- LWRC
- Para Ordinance
- Rock River Arms
- Ruger
- Shadow Systems
- Sig Sauer
- Smith & Wesson
- Springfield Armory
- Staccato
- Stag Arms
- Wilson Combat

Approved Red Dot Sight Manufacturers:

- Holosun
- Leupold
- Sig Sauer
- Trijicon
- Vortex
- Steiner
- Burris
- EOTECH

Notice to Report to Drug and or Alcohol Test 2024.pdf

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Notice to Report for Drug and/or Alcohol Testing

Weld County Sheriff's Office – Medtox Account 8009855

Company Name: Weld County Sheriff's Office Phone: (970) 356-4015

Employee Name: _____ Employee ID#: _____

Badge#: _____

Specimen Collection Site: **NOCO Drug Testing**
1009 37th Ave Ct Unit
202 Greeley Colorado
80634
(970) 351-7447

Test Type:

- ☐ Drug ☐ Alcohol
- ☐ Pre-employment (drug only)
- ☐ Random
- ☐ Reasonable Suspicion
- ☐ Post-Accident
- ☐ Return to Duty
- ☐ Follow up

Dear _____

You are required to report immediately for a drug and/or alcohol test. The testing program is a condition of employment and required by the **authority of the Sheriff's Office Drug and Alcohol Program.**

Date Form Given: _____ Time Form Given: _____

Arrival at Test Site – Date: _____ Time Arrived: _____

You must present a picture ID at the collection site.

_____
Supervisor

Your supervisor can be reached at _____

Removal from Duty Notice Fitness Standard.pdf

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Weld County Sheriff's Office
Removal from Duty Notice

Today's Date: _____

Date of PAT: _____

Employee Name: Title/Rank Assignment: Choose Assignment

The Weld County Sheriff's Office has become aware that you did not meet the standard of Detentions Policy 1228 Fitness Standard. Your continued current assignment could jeopardize the safe and orderly operations of the Weld County Sheriff's Office.

Effective immediately, you are being removed from duty. You are not allowed to conduct any business under the authority of the Weld County Sheriff's Office or Weld County Government. You are required to communicate with the Professional Standards Unit to schedule your next attempt to meet the standard of the PAT.

Personnel who have been removed from duty may request assistance from the PST Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST for assistance in dealing with the stress from this process.

Title/Rank _____ Date/Time

Signature

Title/Rank _____ Date/Time

Signature

Admin Leave Notice - OIS 2024.pdf

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Weld County Sheriff's Office
Administrative Leave Notice - OIS

Criminal Case Number: _____

IA Case Number: _____

Employee Name: Title/Rank Assignment: Choose Assignment

On ,you were involved in an on duty shooting. Commensurate with Weld County Sheriff's Office Policy, you are being placed on Choose administrative leave. You are required to keep Internal Affairs informed of where you can be contacted, either in person or by telephone, daily. Additionally, you are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation, your attorney, the PST Clinical Advisor, or your significant other.

WCSO sworn personnel always have access to the PST Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST for assistance in dealing with any personal issues. Contact info for PST assistance can be found on the back of this form.

_____ _____

Title/Rank Date/Time

Signature

_____ _____

Title/Rank Date/Time

Signature

APPENDIX A - ALTERNATIVE DUTY FIREARMS .pdf

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- Para Ordinance
- Rock River Arms
- Ruger
- Sig Sauer
- Smith & Wesson
- Springfield Armory, XD models.
- Stag Arms
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- Burris

2023 WCSO Bloodborne Pathogen Exposure Control Plan (Approved 2023).pdf

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Weld County Sheriff's Office

BLOODBORNE PATHOGEN EXPOSURE CONTORL PLAN

Purpose and Scope

The purpose of the Bloodborne Pathogen Exposure Control Plan (ECP) is to establish a unified approach throughout the agency to handle exposure incidents in which employees are exposed to bloodborne pathogens (BBP) or other potentially infectious materials (OPIM) while performing their assigned duties. The ECP will guide Exposure Control Officers (ECOs)as they ensure appropriate post-exposure care for affected employees while accounting for agency needs and ensuring compliance with applicable standards of care while considering legal obligations.

Rationale

Any employee may experience an occupational exposure to blood or other potentially infectious materials. All employees shall observe universal precautions to prevent contact with BBP or OPIM. All bodily fluids, to include blood/OPIM, will be considered infectious regardless of the perceived status of the source or source individual(s). Engineering and work practice controls will be provided where applicable and utilized by employees in order to eliminate or minimize exposure risk. When exposures are reported, trained employees (ECOs) must respond to determine if an exposure occurred. In the event of an exposure, the ECO will respond to investigate the infectious status of the source individual(s).

References

Colorado Revised Statutes § 16-3-303.8 [Testing for communicable diseases – court order required]

Colorado Revised Statutes § 18-3-203 [Assault in the second degree]

Colorado Revised Statutes § 18-3-204 [Assault in the third degree]

Colorado Revised Statutes § 18-3-415 [Testing for persons charged with sexual offense]

Colorado Revised Statutes § 18-3-415.5 [Testing persons charged with certain sexual offenses for serious sexually transmitted infections]

Colorado Revised Statutes § 25-4-408 [Infection control – duties]

Colorado Revised Statutes § 25-4-410 [Patient consent – rights of patients, victims, and pregnant women]

Code of Federal Regulations 45 CFR § 164.512 (HIPAA) sections (j), (k), (l) [Uses and disclosures for which an authorization or opportunity to agree or object is not required]

United States Code 42 USC § 300ff131 – 140 (Ryan White Care Act, Part G) [Notification of Possible Exposure to Infectious Diseases]

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7158881/ [properly fitting PPE and proper donning and doffing]

Definitions

Bloodborne pathogen (BBP) - Pathogenic microorganisms that are present in human blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Exposure Control Officer (ECO) - A trained employee of the Weld County Sheriff's Office who assists members of the agency by ensuring that proper notification of exposures takes place and that employees are provided appropriate post exposure medical treatment, in accordance with Centers for Disease Control guidelines, Colorado

Revised Statutes, and the Ryan White Care Act. ECO's are primarily responsible for the creation and completion of Exposure Incident Reports, the gathering of information and investigating exposures, and act as a liaison between the affected employee and their supervisor with regards to medical treatment or follow-up. ECO's act as medical professionals in the execution of their duties.

ECC (Coordinator) – A Sergeant acting as the Exposure Control Coordinator responsible for the creation, maintenance, and oversight of the exposure control plan and its execution, coordination of required training, and generating statistical reports as necessary. The ECO Coordinator reports to an Administrative Lieutenant regarding the ongoing management of the ECO Team.

Exposure Incident - An incident in which blood or other potentially infectious materials comes in direct contact with the non-intact skin, eye, mouth, or other mucous membrane, or other parenteral contact that results from the performance of the employee's duties.

Exposure Incident Report – A report that documents the circumstances of an exposure incident including the names of the parties involved, date and time of exposure, location where the exposure occurred, nature and type of the exposure, and source patient information to include infectious status for HBV, HCV, and HIV.

Personal Protective Equipment (PPE) - Specialized clothing or equipment worn by an employee to reduce the risk of exposure of an employee's skin or mucus membranes to potentially infections materials (i.e. latex gloves, goggles/masks, gowns, one-way CPR masks, etc.) General work clothes (uniforms, pants, shirts, etc.) are not intended to function as protection against a hazard and are not considered to be personal protective equipment.

Secure Precautions (SECP) or Universal Precautions Hazard Flag - A deliberately vague notation in the flags/hazards section of an inmate's page in the JMS or hazard notation that exists solely if an individual is known to have an infectious disease which emergency response employees would be required by law to be informed of, while simultaneously protecting the individual's medical privacy rights.

Occupational Exposure - Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious material that may result from the performance of an employee's job duties.

Universal Precautions - An approach to infection control in which all human blood and certain other bodily fluids defined by 29 CFR 1910.1030 (semen, vaginal secretions, amniotic fluid, cerebrospinal fluid, synovial fluid, pleural fluid, and peritoneal fluid) are treated as if known to be infectious for bloodborne pathogens and require infection control procedures using protective barriers such as PPE.

Engineering Controls – a prevention strategy that eliminates or reduces exposure to blood or potentially infections material through the use of substitution of engineered machinery or equipment. Examples include, but are not limited to, self-capping syringe needles, ventilation systems such as a fume hood or a negative air pressure room.

Control Plan Administration

Employees within the agency will receive an explanation of this Exposure Control Plan (ECP) during their initial agency training. Annual refresher training on the control plan will be reviewed with employees that are ECOs.

1. The ECO Coordinator is responsible for reviewing and updating the ECP annually, or more frequently if necessary. These updates should reflect new or modified tasks and procedures that affect occupational exposure as well as new or revised positions with occupational exposure.
2. The ECO Coordinator will investigate any complaints made regarding the ECP as a whole or the performance of an ECO related to their involvement with an exposure incident.

3. The ECO Coordinator is responsible for ensuring that there are adequate numbers of ECO's within the agency to be able to handle exposures that occur.
4. The ECO Coordinator will ensure that all ECO's are trained and that an updated list with contact phone numbers of current ECO's is available to supervisors (to be stored in a file on the current server).

PREVENTION AND MITIGATION OF OCCUPATIONAL EXPOSURE

Hepatitis B Vaccination Program

1. The Hepatitis B vaccination series is available to all employees through the Weld County Employee Medical Clinic. The vaccination and any routine boosters are offered at no cost for employees.
    a. Vaccination is encouraged but not mandatory.
    b. If refused, the vaccination remains available at no cost, at any time throughout employment if the employee later decides to receive this benefit.

Personal Protective Equipment (PPE)

1. Approved PPE is provided to employees by the agency at no cost. Employees are required to use appropriate PPE for the task being performed.
    a. Exceptions may be articulated when applying PPE is impractical or hazardous to the safety of the staff member or to members of the public.
    b. Provided PPE shall not permit blood/OPIM to pass through or reach the employee's clothing, skin, mouth, or other mucous membranes under normal conditions of use and for the duration of time the PPE is expected to be used.
    c. Proper donning and doffing of PPE plays an important role in avoiding inadvertent exposures. Employees should not only properly don and doff PPE as prescribed in training, but all PPE should fit properly as well.
2. Disposable protective gloves shall be made available to all staff at all agency work sites, including jail housing unit stations, assigned county vehicles, and crime scenes. Gloves shall be worn by employees when touching/handling items or surfaces where blood/OPIM, non-intact skin, or mucous membranes may be reasonably anticipated.
    a. Gloves will never be washed or decontaminated for reuse and must be replaced as soon as feasible when they become contaminated or if their ability to function as a barrier against contamination is compromised.
3. Wearing masks in combination with eye protection devices (i.e. goggles, glasses with solid side shield, or chin length face shields), is highly encouraged whenever splashes, spray, spatter, or droplets of blood/OPIM may be generated and potential contamination of the eye, nose, or mouth can reasonably be anticipated.

Engineering Controls, Work Practices, and General Precautions

1. All staff members are expected to use good judgment and follow training to mitigate the risks of occupational exposure. This includes, but is not limited to the following:
    a. Using universal precautions, treating all human blood and bodily fluids/tissues as if it is known to be contaminated with bloodborne pathogens.
    b. Stocking disposable gloves, blood exposure control kits, one-way CPR masks, and any other appropriate PPE at any duty station, and reporting any deficiencies to a supervisor.

c. Washing hands immediately or as soon as feasible after removing PPE or handling any potentially infectious material.
d. Handling all sharps, needles, razors, knives, broken glass, or other items that cut or puncture cautiously, using mechanical means (brush & pan, forceps, etc.) to handle these items or recap needles, and storing these items in a puncture resistant container for storage or transportation.
e. Decontaminating non-disposable equipment (i.e. flashlight, restraints, radios, etc.) as soon as possible.
f. Housing inmates suspected of having airborne pathogens in a negative airflow cell within the jail.
g. Avoiding eating, drinking, applying cosmetics or lip balm, handling contact lenses, or any other action likely to result in exposure in a work area where blood/OPIM is present or likely to be present.
h. Disposing of biohazardous waste appropriately or labelling biohazardous material properly when it is stored.

2. When an individual's infectious status is known, employees involved in the transport or supervision of that individual are given general advisement of the individual's status as requiring Universal Precautions and having a bloodborne pathogen (but not the specific pathogen) satisfying both medical privacy concerns as well as legal requirements for notification to emergency response employees as mandated under the Ryan White Care Act (42 USC § 300ff-133; 42 USC § 300ff-136) to inform these employees of a life-threatening infectious disease.
    a. Patrol deputies and other staff may be notified via a "Universal Precautions" Hazard Flag advisement from dispatch within the call log for a given incident or contact.
    b. Detentions deputies and other staff may be notified via a Special Security Precautions (SECP) Hazard Flag on the Inmate screen in the JMS.
        i. Within the jail, these flags are entered by Sergeants once notified by medical staff when they become aware of an individual having a bloodborne pathogen during a medical screening or assessment.
        ii. When deputies become aware of an inmate with a bloodborne pathogen, a supervisor will enter this flag to make the same notification to staff

Housekeeping, Laundry, and Decontamination

1. All contaminated areas, work surfaces, or equipment shall be decontaminated as soon as possible. Decontamination may be accomplished by using EPA germicides or a 1:10 bleach to water solution.
2. When decontamination is not feasible, a clearly observable label shall be attached stipulating what remains contaminated and the nature of that contamination prior to other personnel interacting with the contaminated area or equipment.
3. All garments or clothing penetrated by blood/OPIM shall be removed as soon as possible.
4. Used inmate razors within the jail shall be collected from housing units, placed in a bag or container to prevent leakage, and disposed of as soon as practicable.
5. Sharps containers are puncture resistant, leak proof, labelled with a biohazard label or color-coded, and closed prior to removal, replacement, or movement to prevent spillage or protrusion of contents during handling. If the primary container leaks or may leak, the primary container should be placed into a secondary container that meets these stated requirements to prevent leakage.
    a. Evidentiary sharps shall be stored in sharps containers prior to submission for storage or evidence processing.

6. Clothing and other non-sharps either saturated with or covered in blood or OPIM which are to be disposed of should be done in regulated waste container in a manner compliant with the regulations of the facility managing the storage and pickup of regulated waste.
    a. Within the Weld County Jail, leak-proof, puncture-proof, and closeable regulated biohazard waste bins are managed by contracted medical staff and are colored red.
        i. Waste placed in these bins must be tied off tightly in a red biohazard bag to prevent leakage and may not be overfilled or filled above 35 lbs.
        ii. Mere presence of blood/OPIM does not meet the requirements to use these bins or be disposed of as "biohazard trash" and may instead be disposed of as normal waste. Items placed into these bins must have soaked up or been covered in a significant quantity of blood or OPIM (i.e. bandages, wound wrapping or packing, a shirt used as a compress over a wound, etc.)
7. All soiled laundry should be assumed to be contaminated and handled with universal precautions.
    a. Uniforms and work clothing are laundered at a private contract laundry facility, (i.e., a dry cleaner under contract with the county.)
        i. Employees shall notify the contractor to use standard precautions for post-exposure clothing when delivering it to the contract facility.
    b. Inmate workers at the Weld County Jail launder institutional laundry generated by the jail and are trained to decontaminate the prisoner transport compartments of law enforcement vehicles in the booking garage.
    c. Soiled laundry should be handled as little as possible with minimal agitation, being bagged or containerized at the location where it was used or encountered in such a fashion as to prevent exterior leakage.

POST-EXPOSURE EVALUATION, INVESTIGATION, AND FOLLOW-UP

1. Employees who experience an exposure or suspected exposure shall begin decontamination procedures as soon as practicable (i.e. wash hands any other exposed skin with soap and hot water, flush eyes or other mucous membranes with water).
    a. Employees will immediately report the incident to a supervisor as soon as practicable.
    b. Supervisors notify an Exposure Control Officer as soon as possible.
2. Once the ECO is activated by the supervisor, they become a medical representative for the Sheriff's Office and are subject to confidentiality regulations.
3. Duties are delineated between the on-duty supervisor and the ECO in order to limit supervisor knowledge of protected medical information while promptly providing for both Worker's Compensation processes and the care of the employee and investigation of the source individual in the exposure incident.
4. Supervisors are responsible for reporting, documenting, and handling the exposure through normal Worker's Compensation forms and processes.
    a. Supervisors should not seek out nor include information regarding the infectious or medical statuses of either the employee or the exposure source individual.
5. The ECO will investigate the incident to determine if an exposure occurred and generate a Pathogen Exposure Incident Report, filed under the restricted-access "Pathogen Exposure" folder on the network "M" Drive.
6. The ECO shall first determine if the involved employee has suffered an exposure incident, relaying this finding immediately to the employee & supervisor.

   a. If the incident is deemed not to be an exposure, the ECO generates an Exposure Incident Report to document the rationale of a non-exposure finding. The employee will receive written notification of the non-exposure finding from the ECO within 24 hours.
7. If the employee has suffered an exposure, the ECO shall ensure the employee receives a confidential medical evaluation and follow-up for the exposure as soon as possible.
   a. If the employee has been sent for treatment/evaluation already, this determination should be communicated to the employee as soon as possible.
   b. While the ECO ensures that the employee is sent for follow-up care, the ECO does not transport or act as a "guardian deputy" for the exposed employee. The ECO instead assists the exposed employee by immediately attempting to gain voluntary source individual testing.
8. The ECO shall interview and investigate the source individual to determine HBV, HCV, and HIV infectious status. Documented consent from the source individual for a blood draw to test for these diseases or any other applicable disease is the primary goal of the interaction, in order to determine the source individual's infectious status. The identity of the source individual and their consent or refusal should be documented in the report narrative. The source individual's identity and infectious status or possible infectious status should be included in the report, including but not limited to:
   a. The individual's statements regarding their status
   b. Hazard flags or other notations in the JMS or call log
   c. Information provided by medical staff on scene or in the jail
   d. Employee personal or prior knowledge of the individual
   e. The individual's charges, possessions, or surroundings
      i. Information gained in this interview is confidential medical information and inadmissible for purposes of criminal reporting.
      ii. If the source individual can't be identified, efforts to identify them will also be documented in the report.
9. Blood draws are performed at no cost to the source individual and are instead billed to the WCSO through Worker's Compensation to aid in the employee's post-exposure care.
   a. Source individuals are entitled to the results of their blood tests
10. If the source individual provides consent for a blood draw, the ECO will facilitate the blood draw or coordinate its completion.
   a. The signed consent form for blood draw should be scanned and included in the exposure report, and if applicable, placed into the inmate's file at the Weld County Jail.
      i. In exigent circumstances, consent may be given verbally, in the presence of two staff members who may attest to the granting of that consent or a recording of such consent. This must be witnessed by the two staff members in writing and included in the inmate's file at the Weld County Jail.
      ii. Note: Consent may be revoked at any time.
   b. Within the jail, contracted medical staff may perform the blood draw of a consenting source individual that is an inmate in custody. Medical staff does not perform testing on the specimens and will instead provide the specimens to the ECO to be taken offsite for testing.
   c. Outside of the jail, source individuals may be transported to a local hospital for blood draws or blood may be drawn by a medical professional qualified to do so. The transport may be done either as part of a medical clearance prior to acceptance for book-in at the jail, or as a courtesy ride for source individual(s) in a non-criminal exposure scenario. If testing of a blood specimen is unavailable at the location of the blood draw, samples may be provided to the ECO to be taken off-site for testing.

   d. Completed blood draws are run as "rush" orders and may be submitted through the Horizon Outpatient Laboratory at Northern Colorado Medical Center.
11. If the source individual refuses to provide consent for a blood draw or is unable to provide consent for a blood draw, options for pursuing a court ordered blood draw will vary depending upon the particular circumstances of the exposure. Exposures happening as a result of an assault or other criminal act will require the ECO to coordinate with the on-call Detective (via the on-duty Patrol Sergeant) or a Detentions Criminal Specialist in order to pursue a court ordered blood draw. Exposures that happen as a result of an accident or a non-criminal act require the ECO to contact the Weld County Attorney's Office and speak directly to the Attorney responsible for the WCSO to pursue the blood draw in coordination with the ECO, the ECO Coordinator, and the County Attorney.
    a. Refer to CRS § 16-3-303.8 or CRS § 18-3-415 for court ordered blood draws when an employee suffers an exposure during a criminal act by the source individual
    b. Refer to CRS § 25-4-410 for court ordered blood draws when an employee suffers an accidental exposure to a source individual
    c. Refer to CRS § 25-4-410(1)(b)(II) & 42 USC § 300ff-133(f) for blood draws when an employee suffers an exposure and the source individual is unable to provide consent
12. Any relevant information found in the investigation of the source individual shall be provided, without delay, to the exposed employee for post-exposure evaluation and care.
13. Source individual testing will include, at a minimum, tests for HBV, HCV, and HIV. Rapid response test types should be used for all tests when available. If articulable facts exist to expand the scope of a source individual's test to include other pathogens (such as sexually transmitted diseases), this should be coordinated with the ECO Coordinator and clearly documented in the Incident Report.
    a. When the source individual is factually known to be infected a known pathogen including HBV, HCV, or HIV, that specific test (and only that test) need not be repeated.
14. A "hard-copy" of source individual test results shall be provided to the exposed employee as soon as possible if they wish.
    a. The employee shall also be given an advisement informing of applicable laws and regulations concerning disclosure of the source individual's protected information.
    b. The outcome of source testing results should be clearly noted in the Incident Report, as well as their provision to the exposed employee and associated advisement.
15. The ECO shall not provide medical advice or counsel.
16. The ECO shall not solicit, collect or retain employee infectious status information.
17. ECO's may use the State of Colorado Health Department, Centers for Disease Control, and the National Institute of Occupational Safety & Health as information resources as needed regarding necessary steps in the exposure process.
18. When an exposure investigation report is complete, the ECO Coordinator shall be informed, and will review the report for quality and compliance with this policy.

MEDICAL RECORDS

1. Only members of the Exposure Control Team shall have access to exposure records.
2. Medical information obtained by an ECO shall remain confidential and kept securely in a controlled electronic format.
    a. The "Pathogen Exposure" folder in the network "M" drive is a restricted access folder available only to the Exposure Control Team and shall contain relevant documentation for exposure incidents including:
        i. Exposure Incident Report
        ii. Source individual's consent (or a court order) for a blood draw

iii. Protected Information/Confidentiality staff notice
iv. Any other documentation generated during the exposure investigation

b. Paper copies of all generated documents shall be scanned into the folder for the relevant exposure incident. Once documents are scanned, paper documents must be destroyed and not kept.

3. Employee blood results will not be gained, obtained, or kept by ECO's.

ANNUAL REVIEW

1. ECOs will review the BBPECP annually (by August 1)
2. Results shall be provided to Captains via the chain of command.

PROPERTY FORM-BLANK.pdf

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WELD COUNTY SHERIFF'S OFFICE

Equipment Custody Receipt

LAW ENFORCEMENT AGENCY INFORMATION

Name: **Weld County Sheriff's Office**
Address: **1950 'O' Street, Greeley, Colorado, 80631**
Phone Number: **970-356-4015**

EQUIPMENT ISSUED TO:

NAME & AGENCY	

EQUIPMENT DESCRIPTION:

EQUIPMENT NOMENCLATURE:	
MAKE:	
MODEL:	
SERIAL #:	
EQUIPMENT COST	
QUANITY OF ITEMS	
EQUIPMENT CONDITION	

STATEMENT OF PHYSICAL CUSTODY

- I am a Deputy Sheriff for the Weld County Sheriff's Office _____(Initials)
- I have physical custody of the item(s) listed above and accept personal responsibility for the equipment and sub-components _____(Initials)
- I have received training on the operation of the item and agency policies and protocols regarding use of the item _____(Initials)
- I further understand that failure on my part to exercise responsibility for the care and protection of the item(s) listed above and all other equipment issued or given to me could result in pecuniary liability _____(Initials)

PRINTED NAME:	**DATE:**	**SIGNATURE:**

DATE EQUIPMENT RETURNED:	**RETURNED TO:**

CONDITION OF EQUIPMENT:	

ADDITIONAL COMMENTS:

PROPERTY-ACCIDENT-DAMAGE - LOSS REPORT.pdf

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Weld County
Accident and Damage Property Loss Report

Date of Accident _____ Hour _____ Location _____

Equipment Damaged (include purchase invoice) _____

Police called? Yes___ or No___ Report issued? (include report)_____

Personal Injuries? Yes___ or No___ If yes, give name _____

Include all Law Enforcement and/or additional incident statements with this report.

Supervisor's Signature _____ Dept. _____ Date _____

Employee and Other Owners of Damaged Property

Name	Address	Phone No	Damage	Est. Amount

Witness(es) to Accident or Damage

Name	Address	Phone No	Remarks

Statement of County Employee Involved:

_____

_____

_____

_____

_____

_____

_____

_____

Draw Diagram of situation

Status on Repair or Replacement of Property

Is this property/equipment going to be repaired or replaced? Yes___ or No___

- If property is going to be repaired/replaced, please forward a copy of the most recent equipment purchase invoice to Michelle Raimer in Human Resources.

If equipment/property is not going to be repaired, please explain: _____

_____

_____

Department Manager's Signature

Admin Leave Notice OIS - 2021 - PDF.pdf

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Weld County Sheriff's Office
Administrative Leave Notice - OIS

Criminal Case Number: _____

IA Case Number: _____

Employee Name: Title/Rank _____ Assignment: Choose Assignment

On ,you were involved in an on duty shooting. Commensurate with Weld County Sheriff's Office Policy, you are being placed on Choose administrative leave. You are required to keep Internal Affairs informed of where you can be contacted, either in person or by telephone, daily. Additionally, you are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation, your attorney, uninvolved members of the Peer Support Team (PST), or your significant other.

WCSO sworn personnel always have access to the PST Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST for assistance in dealing with any personal issues.

_____ _____

Title/Rank Date/Time

Signature

_____ _____

Title/Rank Date/Time

Signature

Evidence Viewing Memo.pdf

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Evidence Viewing Guidelines:
Issued and Effective 4-12-21

Subject: Evidence Viewings

A minimum of 72 hours advance notice is required (or longer if the case involves voluminous items of evidence) for evidence viewings. All appointments to view items in evidence shall be scheduled during normal business hours and only when sufficient personnel are available to conduct the viewing (minimum of two WCSO employees).

Defense Attorneys or their Investigators who want to view evidence shall contact the District Attorney's Office or the Deputy/Detective handling the case and make arrangements for viewing the evidence. The DA representative or Detective is responsible for contacting the Evidence Unit to set a date and time for the viewing.

Should Defense Attorneys want to view evidence without a DA representative or Detective present, they will obtain a court order which will be directed to the respective Deputy's chain of Command.

Any viewing can be terminated at the discretion of the Deputy or Evidence Staff for violations of procedure, unprofessional conduct or for any unforeseen law enforcement emergency.

The time allotted for evidence viewings will not exceed two hours.

General Guidelines:

All parties shall wear appropriate Personal Protective Equipment if deemed necessary by WCSO personnel.

Only sworn Deputies are authorized to open evidence. Civilian Evidence Technicians may only open evidence if it has been approved by the case Deputy or approved for release. Evidence shall only be handled under the direct supervision of WCSO personnel. At no time shall WCSO personnel leave evidence unattended during viewing by others.

Only one item of evidence shall be opened and viewed at any time.

Any items that are fragile, whose evidentiary value may be destroyed, lost or otherwise compromised or any item that could be hazardous (i.e. bloody biohazard, chemicals/drugs, SANE kits, control kits, etc.) will not be opened.

A court order or authorization from the District Attorney's Office will be required to view cell phones or other items that have not yet been sent to CBI or other laboratory for testing.

Procedures for Evidence Technician:

When the attorney (or his/her) designee arrives, the Evidence Technician will check that person's identification.

The Evidence Technician will note in the property records that the items are being viewed. The evidence will be placed in the viewing room.

The Evidence Technician will be available to assist the Deputy, if necessary, with viewing supplies or evidence handling.

At the conclusion of the viewing and at the direction of the Deputy present, the Evidence Technician will assist, if needed, in repackaging evidence with the Deputy.

The evidence technician will return the evidence to the proper storage location and document appropriate notes in the evidence software for chain of custody purposes.

Procedures for Deputy:

Only the Deputy may open evidence for the item to be examined or photographed.

Deputies should carefully scrutinize defense requests for handling or manipulating evidence. If a request is deemed questionable, the Deputy should decline the request until consultation with the DA can be made.

When handling evidence subject to cross-contamination or other loss, a clean pair of gloves shall be worn by each participant prior to each item being opened, and a clean piece of butcher paper shall be placed under each such item before it is opened and viewed.

Scissors or other implement used to open any item shall be wiped clean with alcohol (or other cleaning fluid) prior to opening any such item, if subject to cross contamination.

After each item is viewed, it shall be re-sealed in or with its original packaging.

Notice of Investigation -2021.pdf

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Weld County Sheriff's Office
Notice of Investigation

Employee Name: Choose Title Assignment: Choose Assignment
Employee Supervisor: Choose Title
IA Case Number:
Criminal Case Number:

This letter is to inform you that you are a subject employee in an internal investigation due to alleged actions or conduct in conflict with Weld County Code, Weld County Sheriff's Office Policy, General Orders, or other directives.

☐ On ☐ Between

Choose Title was alleged to have:

You are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation, your attorney or uninvolved members of the peer support team. You are ordered not to solicit any details of the incident, contact individuals as potential witnesses or otherwise become involved in the investigation.

Personnel involved in an internal investigation may request assistance from the Peer Support Team (PST) Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST in dealing with the stress from the investigation or inquiry.

Choose Title
Signature

Date/Time

Original given to Employee
Copy to Employee's Supervisor

Example of Research Protocol.pdf

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Example of Research Protocol:

Weld County Sheriff's Office Controlled Substances Protocol

Canine training coordinator
1950 O St
Greeley, CO 80631
970.356.4015
DEA registrant #

Professional Standards Lieutenant
1950 O St
Greeley, CO 80631
970.356.4015
DEA registrant #

Purpose: (A short explanation of law enforcement training for drug detection canines and law enforcement training of canine officers)

Project: (A short explanation of canine detection ORT (odor recognition training) for detecting controlled substances that are illegally possessed)

Controlled substances and amount
(List each substance and amount in grams)

Statement of Security Provisions
The controlled substance training aids are kept in a locked safe that is bolted to a concrete wall. There are only two keys to the safe, which are maintained by the canine training coordinator and the professional standards lieutenant. The controlled substance training aids are accessed for training purposes by the training coordinator, or a designee, and logs are maintained for when the training aids are checked out/in of the safe. The controlled substance training aids are audited on a quarterly basis. The safe is contained in a caged area that is only accessible to authorized sergeants, lieutenants, and the canine training coordinator through a key-controlled access.

Copy of agency approval document (memo from the Sheriff)

WCSO Notice To Report for Drug and or Alcohol Testing Form.pdf

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Notice to Report for Drug and/or Alcohol Test

Company Name: _____Weld County Sheriff's Office____ Phone _(970) 356-4015_____

Employee's Name:_____ Employee 4-digit ID#_____

Specimen Collection Site: **Medical Services**
7257 W. 4th Street #3
Greeley CO 80634
970 351-7447

Test Type:

☐ Pre-employment (drug only) ☐ Post-Accident

☐ Random ☐ Return to Duty

☐ Reasonable Suspicion ☐ Follow up

☐ Drug ☐ Alcohol

_____

Dear Employee:

You are required to report ☐ immediately for a drug and/or alcohol test. The testing program is a condition of employment and required by the **authority of the Sheriff's Office Drug and Alcohol Program.**

Date Form Given: _____**Time Form Given:** _____

Arrival At Test Site – Date: _____**Time Arrived:** _____

You must present a picture ID at the collection site.

_____
Supervisor

Supervisor can be reached at 970 301 0575
Telephone Number

Line of Duty Death checklists - Appendices A-J.pdf

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Appendix A. Notification Team

The duties and responsibilities of the Notification Team include, but are not limited to, the following:

☐ Check Emergency Contact form for special instructions made by the affected Employee

☐ Notification of the immediate family should be made as soon as possible.

☐ The notification should take place with at least two Command Officers, Chaplain or Victim Advocate.

☐ The notification should be made in person, in time, in pairs, in plain language and with compassion.

☐ If the opportunity to get the immediate family to the hospital prior to death is possible, do not wait for the Notification Team to assemble. Provide immediate transportation for survivors.

☐ Once notification is made to the surviving family, the Notification Team will inform the Hospital Liaison the surviving family is on the way to the hospital.

Appendix B. Hospital Liaison

The duties and responsibilities of the Hospital Liaison include, but are not limited to, the following:

☐ A coordinate the arrival of immediate survivors, agency personnel, the media, and others at the hospital

☐ Organize segregated areas to be reserved for--

1. Immediate surviving family members, the Sheriff, the Notification Team, and others only as requested and identified by the Surviving Family Members
2. Fellow agency members
3. Media staging area

☐ Ensure the surviving family is updated regarding the incident as soon as they arrive at the hospital and provide timely updates regarding the incident when applicable

☐ If the employee is severely injured and not deceased, ensure medical personnel provide pertinent medical information about the employee's condition to the family before other people

☐ Assist family members, in accordance with their desires, in gaining access to the injured or deceased employee

☐ Ensure immediate family members are provided with appropriate assistance at the hospital

☐ Provide hospital personnel with all necessary information regarding billing for medical services. (The Hospital Liaison shall ensure all medical bills are directed to Weld County Human Resources Department and not to the employee's family or other survivors. This may require the Hospital Liaison to re-contact the hospital later during normal business hours to ensure proper medical billing takes place.)

☐ Arrange transportation for the family and other survivors upon their departure from the hospital.

Appendix C: Office Liaison

This individual should be an employee who has the authority to make critical decisions in order to expedite the tasks of employing agency resources and the delegation of assignments. The duties and responsibilities of the Office Liaison include, but are not limited to, the following:

- ☐ General supervisory oversight of the hospital liaison, the funeral liaison, the benefits coordinator, and the family support advocate. The Office Liaison is responsible for ensuring their duties and assignments are carried out in accordance with this procedure and or verbal instructions from superiors.

- ☐ Due to the number of duties and responsibilities of the Funeral Liaison, and the limited amount of time to accomplish them, the Office Liaison may appoint additional personnel to assist the Funeral Liaison.

- ☐ Assist family members in dealing with general media inquiries and informing them of limitations on what they can say to the media specifically. Provide liaison with the media and PIO to include coordination of any statements released by the family.

- ☐ Provide assistance with travel and lodging arrangements for out-of-town family members

- ☐ Coordinate with the Funeral Liaison to identify alternative churches and reception halls that will accommodate a law-enforcement funeral. (The Office Liaison will present these alternatives to the family who will make the final determination)

- ☐ Coordinate official law-enforcement notifications (CCIC/NCIC) and arrangements to include the honor guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies

- ☐ Ensure all agency members are aware of restrictions regarding release of any information that might undermine future legal proceedings or current investigations relating to the incident

- ☐ Ensure two agency members known to the family remain with them throughout the entire day of the funeral and into the early evening

- ☐ Insure security checks other survivor's residents are initiated immediately following the incident and continue for as long as necessary

- ☐ Ensure someone from the Sheriff's Office visits the family at least once per month for the first three to six months following the death.

Appendix D. Funeral Liaison

The Funeral Liaison acts as a facilitator between the decedent employee's family and the department during the wake, visitation, funeral and graveside activities. This is not a decision-making position but works closely with the Office Liaison. The Funeral Liaison does not need to be a command staff officer but the assignment is critically important. This person should be close enough to the deceased employee to be aware of the family dynamics but not so emotionally involved as to be ineffective. The duties and responsibilities of the Funeral Liaison include, but are not limited to, the following:

- ☐ Meet with family members to explain his/her responsibilities
- ☐ Be immediately available to the family prior to and throughout the wake, visitation and funeral
- ☐ Ensure the needs and wishes of the family come before those of the agency
- ☐ Assist the family in working with the funeral director regarding arrangements
- ☐ Relay information to the family concerning the circumstances of the decedent's death or serious injury and appropriate information regarding any type of investigation by the investigating agency or Sheriff's Office
- ☐ Determine the need for travel arrangements for out-of-town immediate family members and any other special needs of the family during the wake, visitation, funeral and graveside activities. Provide the Office Liaison with updates as appropriate.
- ☐ Ensure the surviving parents are afforded recognition with proper placement arranged for them during the wake, visitation and funeral and graveside activities
- ☐ Identify music selections and logistics, if any, to be played at the wake, visitation, funeral and graveside services
- ☐ Brief the family members on the procedures involved in a law-enforcement funeral if one is desired. Examples are 21 gun salute, presentation of flag, playing of taps, radio last call. CONSULT THE EMPLOYEE'S EMEGENCY NOTIFICATION FORM REGARDING ANY PERSONAL DIRECTIONS.
- ☐ Identify eulogists, if any, and coordinate presentations with the funeral director or representatives of the church or synagogue.
- ☐ Ascertain what the family's involvement will be and what financial assistance they and the agency are willing to provide for out-of-town family travel needs.
- ☐ Coordinate the transportation and delivery of floral arrangements for the wake, visitation, funeral and graveside services.

Appendix E. Benefits Coordinator

Duties include, but are not limited to, the following:

- ☐ Filing Workers Compensation related paperwork and working with Weld County Human Resources
- ☐ Filing Victim Compensation Fund Claims and related paperwork
- ☐ Present information and inform the family of all available benefits.
- ☐ Document inquiries and interest regarding public donations to the family and establish a mechanism for receipt of such donations as appropriate.
- ☐ Prepare documentation of benefits and payments due to survivors to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office
- ☐ File all benefit paperwork and maintain contact with the family to ensure that benefits are being received
- ☐ Advise the surviving family of the role of law enforcement associations and organizations in the nature of support programs they sponsor for survivors (C.O.P.S)
- ☐ Coordinate contributions to the family through any agency assisted funds collected

Appendix F. Family Support Advocate

The Family Support Advocate is a long-term liaison and provides in-going support to the surviving family. The Family Support Advocate should have extensive experience dealing with victims and witnesses. The duties and responsibilities of the Family Support Advocate include, but are not limited to, the following:

- ☐ Provide contact with surviving family members in order to keep them abreast of criminal proceedings relating to the death or serious injury of their family member
- ☐ Accompany surviving family members to criminal proceedings, explain the nature of the proceedings, answer questions concerning the proceedings, and introduce them to the prosecutors and other persons as required
- ☐ Identify support services available to family members and work on their behalf to secure services needed or necessary
- ☐ Maintain contact with family members to provide companionship and emotional support and maintain an ongoing relationship between the agency and the immediate family
- ☐ Relay the concerns and needs of the family to those individuals or organizations that may provide assistance. Encourage others to visit the family and help is necessary.

Appendix G. Continued Support for the Family

- ☐ Members of the Sheriff's Office need to remain sensitive to the needs of the survivors long after the employee's death. The grief process has no timetable and survivors may develop a complicated grief process. Statistically, more than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.

- ☐ Survivors should continue to feel a part of the "law enforcement family". They should be invited to agency activities and functions to ensure continued contact.

- ☐ Members of the agency are encouraged to keep in touch with the family. Close friends, coworkers, and official should make arrangements with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.

- ☐ The Sheriff's Office should observe the employee's death date anniversary.

- ☐ Holidays may be especially difficult for the family, particularly for small children who are involved. Increase contact with the survivors and additional support is important during these times.

- ☐ Ensure close contact is maintained between the Sheriff's Office and the survivors. To the extent possible, assist their needs for as long as the family feels the need for support. This is especially important in instances of prolonged court proceedings litigation.

- ☐ If no court proceedings surround the circumstances of the employee's death, the Family Support Advocate will relay all details of the incident to the family at the earliest opportunity.

- ☐ If criminal violations surround the death, the Family Support Advocate will inform the family of all new developments prior to a press release. Keep the family apprised of legal and parole proceedings and introduce the family to victim assistance specialists. Encourage the family to attend the trial and accompany them when possible. Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer their questions.

Appendix H. Inter-Office Issues

☐ It may be necessary to request outside Law enforcement assistance regarding a line of duty death or serious injury. This may include requesting outside agency assistance in handling calls for service and traffic control within the county.

☐ Agency members who work on a daily basis with one another should never be assigned responsibility of working the death of an immediate coworker. A partner or close friend should never be allowed to assume an active role in the investigation of the death or serious injury. However, the survivors should be kept completely appraised of case developments.

☐ *Do not use a partner or close friend as the primary liaison with the family*. This partner or friend should be considered a survivor and should not be assigned the responsibility of notifying the family or making arrangements with the hospital. This does not preclude them from being present with the family when notification is made. This employee should be free to provide assistance to the family, upon the family's request, if the employee feels capable of carrying out this responsibility. This should be the employee's choice, not a responsibility assigned by the agency. It must be understood that a partner or close friend of the deceased employee may need to be placed on leave through the time of the funeral.

☐ Upon the death or serious injury of an employee, personal notification of any agency personnel known to be a close friend should be made by a supervisor or by an agency member who is close to the employee. This notification should be done as soon as possible after the incident occurs to prevent the possibility of the employee learning of the incident by a telephone call her through the news media.

☐ Notification of a serious injury or death of an employee to other off-duty employees and agency members should be made by supervisor. The supervisor may be within the Bureau of the deceased employee or a designated supervisor from another Bureau. This notification should be done in person to all non-affected on duty at the time of the incident. Under no circumstances should this notification be done by radio.

☐ As additional shift report for duty, they should be notified by their supervisor of the serious injury or death of the employee.

☐ A preliminary debriefing of the incident as soon as practical should be conducted by a trained team for all personnel involved at the scene of the incident, communications specialist, and others who feel in need of this debriefing. This meeting is not to be a critique of the incident, only a debriefing for those employees and agency members involved.

☐ Supervisors should be aware and maintain vigilance assessing employees under their supervision for signs and symptoms associated with the incident involving the death or serious injury of a coworker.

Appendix I Honors Accorded and Honor Guard

- ☐ Any employee who dies in the line of duty will be accorded full honors if desired by the surviving family. This could include the Honor Guard, Casket Guard, Pallbearers, Firing Team, Taps, Bagpiper(s), bugler(s), and flag presentation.

- ☐ The Honor Guard Corporal is responsible for coordinating and directing the activities of the Honor Guard. The Funeral Liaison will work closely with the Honor Guard Corporal coordinating Casket Guard(s), Pallbearers, Firing Team, Bugler, Bagpiper, and Flag Presentation.

- ☐ The Casket Guard is usually comprised of members from the Honor Guard, however, volunteers may stand watch at the discretion of the Honor Guard Corporal.

Appendix J General Funeral Procedures

- ☐ All uniformed employees will maintain an exemplar personal appearance at law enforcement funeral services. Civilian employees must also maintain excellent personal appearance and wear appropriate clothing.

- ☐ Law enforcement funerals require uniformed personnel to wear a Class A or Dress Uniform with badge draped or shrouded

- ☐ Uniformed employees attending a law-enforcement funeral will maintain a professional bearing. If professional bearing is unable to be maintained, the employee should remove themselves, if at all possible, with the least amount of commotion.

Notice of AI-SI -2019.pdf

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WELD COUNTY SHERIFF
STEVE REAMS

Notification of Administrative Investigation

Employee Name: _____ **Assignment:** _____
Supervisor: _____
Criminal Case Number: _____
Internal Affairs Case Number: _____

This letter is to inform you that you are a subject employee in an administrative investigation due to alleged actions or conduct in conflict with Weld County Sheriff's Office Policy, Procedure, or Standards of Conduct.

On _____, _____ is alleged to have
date name

Further, you are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation nor are you to attempt to solicit any details of the incident, contact individuals as potential witnesses or otherwise become involved in the investigation.

The above notice was sent by:

_____ _____
Title and name of assigned investigator Phone # and email of assigned investigator

Original given to Employee
Copy to Employee's Supervisor

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

10.1.700 TPO.pdf

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Close

General Order
Administration
Adopted:

Directive Number: 10.1.700 **Effective Date:** January 21, 2015

Title: **Temporary Protection Orders**

References: **CRS §30-10-515**

Rationale:

Colorado Revised Statutes impose a *duty* on the Sheriff, and therefore all deputies, to serve temporary protection orders when directed to the Sheriff for service. Processes and orders requiring service during normal county business hours are processed by Sheriff's staff at the Weld County Law Enforcement Administration Building (1950 O Street, Greeley) lobby. **T**emporary **P**rotection **O**rders (TPO), however, are an exception because the inherent need for the safety of the person protected by the order transcends normal business hours. Therefore, when minimum conditions are met, a TPO will be served 24 hours daily.

The circumstance predicating the need for a TPO is usually traumatic and filled with conflict. Every member of the Sheriff's Office is encouraged to be empathic and understanding when a TPO is presented for service.

Procedure

1. Temporary Protection Order documents are only accepted for service during regular business hours, Monday – Friday, 0800-1700 hours (closed holidays) at Weld County Law Enforcement Admin building (preferred location), SW Sub Station and SE Sub Station. Documents are processed at the Law Enforcement Admin building for service by the Civil Process technicians and sent out for service with the civilian civil process servers. Certain circumstances may dictate the document be sent out for service with the Patrol Division. The circumstances include but are not limited to:
   a. Subject has an active arrest warrant
   b. Documented history of threats or violence towards law enforcement
   c. Order restrains the subject from the same residence as the protected party hence requiring the removal of the restrained person from the residence

2. Information documenting acceptance of the TPO is entered into the Civil system computer by a Civil process technician at the Law Enforcement Admin Building during normal business hours.
   a. TPO and Protection Order Information documents received at Southwest and Southeast buildings are faxed or relayed to the to the civil process

technician at the Law Enforcement Admin Building or in some exceptions the SW office technician will make the entries.

i. Original documents are relayed to the Civil process technician at the Law Enforcement Admin Building in regular intra-county mail

b. A court date appears in the TPO document. The TPO must be served by the court date or a non-service completed showing what *diligent* effort was made to serve the document in order to close the document in the computer system in the appropriate civil program.

3. During normal business hours, the civil technician attaches the routing slip and civil number generated by the civil system computer to the TPO documents to be served and send out for service.
   a. Defendant in custody at the North Jail Complex:
      1) The desk deputy is first contact for service; if not available, an on duty civil process server or civil deputy should be contacted, if not available, an on-duty patrol Sgt. should be contacted for service.
   b. The TPO documents are faxed to the Law Enforcement Admin Building from Southwest or Southeast Buildings during normal business hours
      1) TPO documents for service will be emailed to the appropriate building for service and assigned to the deputy or the district.

4. Successful service of TPO's requires the deputy and/ or civil process server to call the Greeley/ Weld records department to update CCIC records.
   a. The records clerk will update CCIC records to reflect time and date that the order was served.
      i. The deputy and/ or civil process server utilizes the computer civil system enters service attempt information, prints an affidavit of service, or fills in court affidavit attached to routing sheet.
   b. Signed affidavits of service are attached to the routing slip and returned to the civil process technicians at the Law Enforcement Admin Building.
   c. Affidavits signed by Sheriff's Office personnel are notarized by the civil office technician.

5. The routing slip is updated to document every attempt of service, what deputy attempted service, information regarding an attempt of service and/or completed service.
   a. Return completed routing slips to the civil process technicians at the Law Enforcement Admin Building.
   b. Routing slip attempt information is entered into the civil system computer by the deputy and/ or civil process server making the attempts/service.
      1) Deputies and/or civil process servers are required to document in the computer civil system under the associated number assigned to the order documenting actions and attempts made to serve the order and any other related follow up or investigative information.
   c. Non serves will be returned to the courts along with the evidence of service diligent efforts.
   d. An affidavit of service or non-service document is generated.

6. Affidavits of service are signed by the deputy and/ or civil process server serving the TPO and returned to the civil process technician at the Law Enforcement Admin Building.

7. The civil process technician sends completed affidavits or non-service documents to the court and plaintiff.

8. After hours TPO's shall be served in scope of 13-14-102 (11). After hours TPO's are not entered in to the civil computer system and the plaintiff is responsible to return the signed affidavit to the courts.
   a. **13-14-102(11*)*** *"If the order has not been personally served, the peace officer responding to a call for assistance shall serve a copy of said order on the person named defendant therein and shall write the time, date, and manner of service on the protected person's copy of such order and shall sign such statement."*

10.1.800 Emergency Action Plan.pdf

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WELD COUNTY SHERIFF'S OFFICE GENERAL ORDER

Close

General Order
Administration
Adopted:

Directive Number: 10.1.800

Effective Date: January 21, 2015

Title: Emergency Action Plan (EAP)

References:

Rationale:

Weld County Sheriff's Office Employees must be able to respond quickly to actual or perceived emergency situations and severe weather events to keep employees; visitors and inmates safe and reduce the risk of injury.

Definitions:

Emergency Action Plan- A written document outlining employee actions and directions during a real or perceived emergency.

Procedure:

1. The purpose of the Emergency Action Plan is to give guidance, facilitate and organize employee actions during workplace and weather emergencies.
    a. Well developed emergency plans and proper employee training will assist employees to understand their roles and responsibilities resulting in fewer and less severe injuries.
    b. Poorly prepared plans will likely lead to disorganized evacuation or emergency response resulting in confusion, injury and property damage.
2. A major disaster may include, but not limited to, any of the following: building evacuation, fire, severe weather, earthquake, bomb threat, hazardous chemical spill, missing or abducted child, security incident or building lockdown.
3. The Emergency Action Plan describes the initial responsibilities and actions to be taken to protect all employees, visitors and inmates until the threat has passed and the "all clear" signal is announced.
4. The Emergency Action Plans will be rationally related, and specific to, the unique workplace needs of each division.
5. It is impossible to provide specific information for all situations. Therefore, Emergency Action Plans are guides for employees to familiarize themselves with basic emergency response.
6. Each Division will maintain a current Emergency Action Plan.
    a. Administration Division
        i. Law Enforcement Administration Building to include:
            1. WCSO Administration Staff

2. Patrol Division Personnel working out of the WCSO Administration Building.

b. Detentions Division
    i. North Jail Complex
    ii. Alternative Programs Building
    iii. Court House & Court Annexes
    iv. Courts Holding
c. Patrol Division
    i. Southwest Service Center in conjunction with other Weld County Departments
    ii. Southeast Service Center in conjunction with other Weld County Departments
d. Office of Emergency Management
    i. Training Center

7. Emergency Action plans, at a minimum, should include the following:
    a. Evacuation Routes
    b. Assembly Areas
    c. Fire and/or Smoke Emergencies
    d. Bomb Threat
    e. Medical Emergencies
    f. Security Incident
    g. Missing or Abducted Child
    h. Hazardous Materials Spill
    i. Building Lockdowns
    j. Weather Emergency
    k. Location of Fire Extingushers
    l. Location of Fire Alarms
    m. Location of Automated External Defibulator (AED)
8. A current Emergency Action Plan will be provided to the Office of Emergency Management and Professional Standards no later than January 31st of each year.
    a. The Division Captain/Lieutenant may submit a letter attesting annual review was completed but revisions were not necessary.
    b. The memo may be submitted instead of submitting a duplicate Emergency Action Plan

10.1.900 NCMC Security Access.pdf

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WELD COUNTY SHERIFF'S OFFICE GENERAL ORDER

Close

General Order
Administration
Adopted:

Directive Number: 10.1.900 **Effective Date:** January 21, 2015

Title: **Northern Colorado Medical Center Security Access**

References:

Rationale:

Guidelines:

A. Employee Access to Northern Colorado Medical Center (NCMC):

Weld County Sheriff's Office employees will be required to have a Security Badge issued by Northern Colorado Medical Center to access the emergency unit at NCMC. Sheriff's Office employees that do not have a security badge issued by NCMC will have to gain entrance into the emergency unit by checking in with hospital security staff in the triage area of the hospital.

B. Issuance of the security badges:

Security badges will be issued to Weld County Sheriff's employees by the security staff at Northern Colorado Medical Center upon employment with the Sheriff's Office. The security badges will be proximity access cards and will be issued in the name of the Sheriff's Office employee if that employee is assigned to the Patrol Division. The badges will contain the employees name and a serial number that identifies it to that specific employee.

Employees assigned to the Detention Division will have access to six general purpose security badges.

If an individual employee is separated from employment with the Weld County Sheriff's Office for any reason, the Administration Office Manager must be immediately notified. The Administration Office Manager will then contact the Security Office at NCMC to advise them of the employee's leave status so that the employee's security badge can be deactivated. The Administration Office Manager will then return the badge to the Security Office at NCMC.

C. Areas of Authorized access with security badges.

Entry into the hospital facility should be made through the intake triage area and movement through the facility should be limited to the specific area(s) where the employee is conducting official business.

Only when there is an emergency response requested to the emergency unit area may the ambulance service entrance be used.

Weld County Sheriff's Office employees that are at the hospital for private matters, are not authorized to use their security badges to gain access to any portion of the hospital.

10.1.101 Interpreters for Deaf and Hard of Hearing.pdf

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WELD COUNTY SHERIFF'S OFFICE GENERAL ORDER

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General Order
Administration
Adopted:

Directive Number: 10.1.101 **Effective Date:** January 21, 2015

Title: Interpreters or Auxiliary Service for Deaf or Hard of Hearing

References: CRS 13-90-201 through 13-90-208

Rationale:

Persons who are deaf or hard of hearing and cannot readily hear or understand or communicate in spoken language shall be assisted by qualified interpreters or auxiliary services in order to equally participate in, or benefit from, activities and services from the Sheriff's Office.

Definitions:

Auxiliary services—aids and services that assist in effective communication with a person who is deaf or hard of hearing including, but not limited to, a **c**omputer-**a**ided **r**eal-time **t**ranslations (CART) reporter, an assistive listening device, acquired or modified equipment or devices to assist in effective communication with a person who is deaf or hard of hearing

Deaf or hard of hearing—a person who has a functional hearing loss of sufficient severity to prevent aural comprehension even with the assistance of hearing aids

Effective communication—those methods of communication that are individualized and culturally appropriate to a person who is deaf or hard of hearing so that he/she can easily understand all auditory information

Qualified interpreter—a person who has a valid certification of competency accepted by the Colorado Commission for the Deaf and Hard of Hearing in the Colorado Department of Human Services and includes, but is not limited to, oral interpreters, sign language interpreters and intermediary interpreters

Procedure:

1. A qualified interpreter or auxiliary service shall be provided to a person who is deaf or hard of hearing when arrested and taken into custody for an alleged violation of criminal law of the state or its political subdivisions
    a. Such appointment shall be made prior to any attempt to notify the arrestee of his/her constitutional rights, prior to any attempt to interrogate or take a statement from such person
    b. A person who is deaf or hard of hearing and who is otherwise eligible for release shall not be held pending the arrival of a qualified interpreter

2. An auxiliary service shall be requested when effective communication cannot be established during questioning when an alleged victim or witness who is deaf or hard of hearing uses sign language for effective communication
    a. The length, importance, or complexity of the communication may not reasonably warrant the provision of an auxiliary service

3. The right of a person who is deaf or hard of hearing to a qualified interpreter or auxiliary service cannot be waived except in writing by the person who is deaf or hard of hearing
    a. Prior to executing such a waiver, the person may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication
    b. Such waiver is subject to the approval of counsel, if any, to the person
    c. Under no event shall the failure of a person who is deaf or hard of hearing to request a qualified interpreter or auxiliary service be deemed a waiver of this right
    d. Questioning using pen and paper is not allowed without written waiver except under exigent circumstances

4. Request qualified interpreter services through Weld County Communications
    a. Specify the nature of service needed, i.e. hearing impaired interpreters, sign language, or deaf persons who do not know or use sign language

5. Document the name and witness information of the interpreter in the report
    a. Interpreters may request a signature on a Colorado *Legal Services Billing Statement and Authorization* form
        i. Sign at the bottom under "attestation."
        ii. Include a copy of this form, if possible, with the report

10.1.100 Written Directives.pdf

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WELD COUNTY SHERIFF'S OFFICE GENERAL ORDER

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General Order
Administration
Adopted:

Directive Number: 10.1.100 **Effective Date:** January 21, 2015

Title: Written Directives

References:

Rationale:

An effective system of written directives supports policy implementation, promotes consistency, succession, directs training and establishes work performance standards.

Definitions:

Division Procedure—step-by-step instructions detailing "how" to perform a specific function or activity within a Division

General Order—a written, procedure directing specific performance for all Divisions of the Sheriff's Office

General Numbered Memorandum—a written directive that, 1) Provides information of general interest to the Sheriff's Office as a whole, or, 2) Provides temporary direction for a one-time event or activity that requires the involvement of more than one Division, or, 3) Provides interim direction to all Divisions in the short term until a general directive is adopted or updated.

Numbered Bureau Memorandum--a written directive issued within a Division to direct specific performance within that Division or provides information of interest only to Division members

Policy—general Sheriff's Office organizational principles guiding "what" outcomes are expected from all employees of the Sheriff's Office

Post Orders—concise information or instructions about required duties at a specific jail post or special assignment

Procedure:

1. Written directives are maintained in electronic and hard copy formats
    a. Hard copies of current written directives are maintained in the Administration Division
        i. Copies of numbered division memoranda, division procedure and post orders are duplicate copies of those issued and maintained by each Division

   b. Electronic documents will be retained in accordance to the State Archivist approved Retention Schedule

2. *Policy, general orders and general numbered memoranda* are issued only by signature of the Sheriff or Undersheriff
   a. General numbered memoranda are numbered sequentially by year and include a topic title
   b. General orders are sequentially numbered and organized by topical area
      i. Individual general orders include a specific topic title, effective date, rationale, any necessary definitions and procedure

3. *Numbered division memoranda* are issued by Division Captains
   a. Numbered division memoranda are numbered sequentially by year and titled by topic
      i. Division Captains maintain issued numbered division memoranda
   b. Send electronic copies of issued numbered division memoranda to the Sheriff, Undersheriff and Administrative Lieutenant

4. *Division procedure and post orders*, where applicable, are developed within each Division and submitted by Division Captains to the Sheriff or Undersheriff for approval
   a. Organize division procedures by general topical area and number sequentially
      i. Include a specific topic, effective date, rationale, definitions and procedure
   b. Identify post orders by post name and effective date
   c. Approved division procedures and post orders are returned to the Division Captains for implementation
      i. Division Captains maintain division procedure and post orders
      ii. Send electronic and hard copies of approved division procedures and post orders to the Administrative Lieutenant

10.1.300 Public Information.pdf

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General Order
Administration
Adopted:

Directive Number: 10.1.300

Effective Date: January 21, 2015

Title: **Public Information**

References:

Rationale:

The dissemination of accurate and timely information is fundamental to public trust and the partnership between the Sheriff's Office and the Weld County community. A single point of contact for public information improves the accuracy of information, makes more efficient use of agency personnel, improves coordination within the Sheriff's Office and delivers better service to the public.

Definitions:

Public Information Officer (PIO): A person appointed by the Sheriff to serve as the single point of contact and spokesperson for the Sheriff's Office. The PIO may also temporarily be an on-scene supervisor, or designated by the on-scene sergeant, when necessary to manage the media response to an active scene.

Sheriff's Office Staff: Sheriff, Undersheriff, Captain and Leiutenant.

Significant Event: Broadly interpreted by staff and mid-management discretion as any event likely to be of general community interest or concern that could influence public confidence in local government and public safety effectiveness. Some examples of significant events include, but are not limited to, any one or more of the following-

1. Suspicious death
2. Homicide
3. Accidental death or shooting
4. Death of an inmate in custody
5. Sexual assault
6. Aggravated assault or robbery
7. Vicious animals
8. Escape from secure custody
9. Public safety continues to be at risk
10. SWAT activation
11. Result is serious bodily injury including child victims or agency employees
12. Property crime with loss/damage exceeding $10,000
13. Public property crime with loss/damage exceeding $2,000
14. The information may aid in apprehension of a suspect, prevent further victimization or locate an at risk missing person
15. A special achievement or recognition of the agency or agency member
16. A new agency initiative, program, or commitment in response to a community or neighborhood problem

Written Media Release: A Sheriff's Office electronic document format used to prepare a document containing releasable public information related to a significant event or any other event at the discretion of the PIO or sergeant.

Protected Health Information: Information, including demographic data, that relate to-

- An individual's past, present or future physical or mental health or condition,
- The provision of health care to the individual, or,
- The past present or future payment for the provision of health care to the individual, AND,
- That identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual (e.g., name, address, birth date, etc.)

Procedure:

A. The Sheriff appoints a Public Information Officer (PIO)
   1. An on-duty sergeant in the division where the event occurred is responsible for PIO duties after regular county business hours until relieved.

B. The appointed PIO is responsible for the following:
   1. Coordinating requests for information from the public and media
   2. Disseminating public information excluding the release of criminal justice records
   3. Scheduling press conferences when requested by the Sheriff
   4. Preparing and distributing written media releases
   5. Coordinating and scheduling media interviews with agency personnel when requested and appropriate
   6. The release of information according to applicable Colorado Revised Statutes and agency directives
   7. Be on-call and exercise independent judgment to determine if a response after regular county business hours is necessary
   8. Designate an acting PIO when unavailable
   9. Authorize release of jail booking photos when the release of those photos does not compromise an ongoing, criminal investigation
   10. Notify staff of significant events or events that generates media interest
   11. Use checklists in Appendices as appropriate

C. Employees may provide information to the media directly when requested but are required to follow this procedure regarding all information released
   1. Employees providing information are required to notify the PIO of what information was released

D. Written media releases require approval of the Sheriff or his designee before dissemination

THREE PIO CHECKLISTS

CHECKLIST 1 – Field Management of Media at an Active Scene		
	1.	Allowed in any area the general public is allowed to be under current conditions
	2.	Quickly establish an area designated for media assembly and inform media
	3.	Must have permission of owner or person in control to enter private property
	4.	Media or public NOT allowed entry into a crime scene even if in a public place
	5.	Media or public NOT allowed within tactical perimeters[1]
	6.	Provide an explanation to media whenever access to an area is denied
	7.	Media is allowed to photograph anything seen with the human eye

CHECKLIST 2 – Restricted General Information Release Checklist--DO NOT RELEASE		
	1.	Identity of any deceased must have ***prior approval of County Coroner's Office***
	2.	Identity of suspects interviewed or interrogated but not arrested or charged
	3.	Identity of witnesses
	4.	Identity of victims of sexual offenses
	5.	Identity of juvenile victims/suspects unless transferred to adult court
	6.	Information known only by the perpetrator(s)
	7.	Personal health information of victims
	8.	Specific information about physical evidence in the case
	9.	Information about valuable items not stolen
	10.	Misleading for false information
	11.	Conjecture about suspects or fugitives
	12.	Existence of a confession, admission or state of the accused
	13.	Refusal of accused to make a statement
	14.	Refusal of accused to submit to, or the results of any examination or tests
	15.	Description or results of laboratory examination of physical evidence
	16.	Revelations that the accused directed investigators to the location of evidence
	17.	Any remarks about the assumed guilt or innocence of the accused
	18.	Comments about the credibility of testimony
	19.	If information for the arrest was derived from an informant

[1] Established for hostage situations, barricaded subjects, explosives removal, working fires, etc.

CHECKLIST 3 – Acceptable Information Release Checklist--APPROVED FOR RELEASE		
	1.	Description of exact offense including a brief summary of events
	2.	Location and time of offense
	3.	Type of property lost, aggregate health information, or resulting damages[2]
	4.	Identity of victims with exceptions[3]
	5.	If there are suspects in a case
	6.	If investigation not hindered, unidentified suspect physical/vehicle descriptions
	7.	Identification of fugitive suspects when arrest warrants have been issued
	8.	Method of complaint, i.e. citizen report, deputy discovered, arrest warrant, etc.
	9.	Length of investigation and name of deputy leading the investigation
	10.	Time and place of an arrest
	11.	Defendant's name, age, home address, marital status and similar background
	12.	Exact charges
	13.	Facts and circumstances related to arrest, i.e. resistance, pursuit, weapons, etc.
	14.	Identity of agency or unit responsible for the arrest
	15.	Name of arresting deputy unless unusual circumstances require deputy's safety
	16.	Duration of investigation
	17.	Pre-trial release/detention arrangements, amount of bond, location of detention
	18.	Schedule dates of various steps in the judicial process

[2] Aggregate health information: e.g. "Paramedics transported 2 people with injuries by ambulance to the North Colorado Medical Center"

[3] Exceptions: Victims of sexual assault or death when Coroner has not released the name of victim

10.1.500 Incident Reporting and Staff Notification.pdf

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Close

General Order
Personnel

Adopted:

Directive Number: 10.1.500 **Effective Date:** January 21, 2015

Title: Incident Reporting and Staff Notification

References: NIMS, General Order 10.1.300

Rationale:

A significant event may require communication above what is required in the normal course of duty. Proper staff notification is necessary to ensure that Sheriff's Office policy makers are informed and available to make policy decisions during significant, dynamic and rapidly evolving events that affect the agency. A well executed staff notification system provides timely and accurate information to the Sheriff and all personnel in the chain of command; a function that is vital to maintaining the confidence of the public while allowing for effective leadership within the agency and the broader community.

Definitions:

Significant Event: Broadly interpreted by staff and mid-management discretion as any event likely to be of general community interest or concern that could influence public confidence in local government and public safety effectiveness. Some examples of significant events include, but are not limited to, any one or more of the following-

1. Suspicious death
2. Homicide
3. Accidental death or shooting
4. Death of an inmate in custody
5. Sexual assault
6. Aggravated assault or robbery
7. Vicious animals
8. Escape from secure custody
9. Public safety continues to be at risk
10. SWAT activation
11. Result is serious bodily injury including child victims or agency employees
12. Property crime with loss/damage exceeding $10,000
13. Public property crime with loss/damage exceeding $2,000
14. The information may aid in apprehension of a suspect, prevent further victimization or locate an at risk missing person
15. A special achievement or recognition of the agency or agency member
16. A new agency initiative, program, or commitment in response to a community or neighborhood problem

Chain of Command: The hierarchy of supervision, in statutory services, is from Deputy to Sergeant to Lieutenant to Captain to Undersheriff to Sheriff. The hierarchy of supervision for

civilian non-sworn personnel follows the organizational charts. The command structure for quality assurance and public information is from Sergeant to Sheriff.

Sheriff's Office Staff: Sheriff, Undersheriff, Captain and Lieutenant.

Public Information Officer (PIO): A person appointed by the Sheriff to serve as the single point of contact and spokesperson for the Sheriff's Office. A temporary PIO may be an on-scene sergeant, or designated by the on-scene sergeant, when needed to manage the media response to an active scene.

Procedure:
All employees of the Sheriff's Office are expected to routinely communicate with each other and follow their respective chain of command while performing their duty assignments.

When an employee identifies an incident that is believed to require immediate action by a higher authority in the chain of command or may be of significant importance to Sheriff's Office Staff and/or the Sheriff;

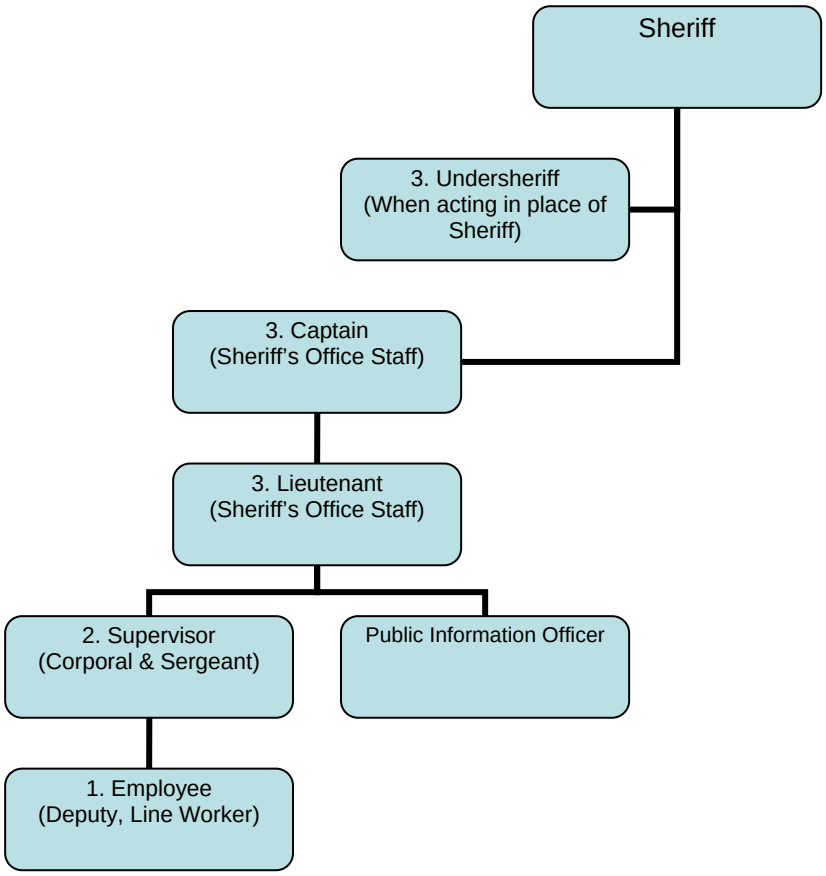
A. **Employees** must:
   1. Take the proper steps to obtain information about the incident.
      - Documentation of the event is dictated by the applicable procedure
   2. Immediately notify the employee's direct supervisor about the incident and be prepared to provide additional information that may be requested.
      - If an employee is unsure whether an incident requires staff notification, that employee should immediately notify their supervisor.
      - Employees may be designated to work directly with the PIO and media outlets.

B. **Supervisors** must:
   1. Evaluate the continued need for communication and/or notifications through the chain of command and notify the next level of supervisor or,
   2. Notify the appropriate Sheriff's Office Staff member of significant events and be prepared to take action as is necessary or instructed.
      - Notification to the Public Information Officer may also be necessary

C. **Sheriff's Office Staff** must:
   1. Evaluate the continued need for communication and/or notifications through the chain of command and/or,
   2. Notify the appropriate Sheriff's Office Staff member and/or Sheriff of significant events and be prepared take action as is necessary or instructed.

Appendix A

Staff Notification



Garrity Notice -2019.pdf

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WELD COUNTY SHERIFF
STEVE REAMS

GARRITY NOTICE

Criminal Case Number: # _____

Internal Affairs Case Number: _____

Employee Name: _____ Assignment: _____

You are being questioned as part of an official internal affairs investigation by the Weld County Sheriff's Office. You will be asked questions specifically directed and related to the performance of your official duties or fitness for office. You are ordered to answer all questions asked of you. If you refuse to testify or answer questions truthfully relating to your performance of your official duties or fitness for duty, you will be subject to departmental discipline, which could result in your dismissal from this agency. If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any criminal proceeding, except if you knowingly and willfully make false statements. However, these statements may be used against you in relation to subsequent departmental charges.

Further, you are hereby ordered not to discuss this investigation with anyone except the supervisor or investigator assigned to this investigation.

The above notice was read to me by:

_____ On _____ at _____

Name and Title Date/Time Address

_____ _____

Subject Employee Name and Title (print) Subject Employee Signature

Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

PAID - Admin Leave Notice -2019.pdf

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UNPAID - Admin Leave Notice -2019.pdf

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WELD COUNTY SHERIFF

STEVE REAMS

ADMINISTRATIVE LEAVE NOTICE

Criminal Case Number: _____

Internal Affairs Case Number: _____

Employee Name: _____ Assignment: _____

The Weld County Sheriff's Office has become aware of an incident involving your conduct or performance as an employee of the Weld County Sheriff's Office. Your continued assignment as a _____could jeopardize the safe and orderly operations of the Weld County Sheriff's Office with which you have contact with on a daily basis.

Effective immediately, you are being placed on PAID administrative leave. You are to turn in your county badge, ID card(s), all weapons and keys issued to you or used by you during the course of your official duty at the Weld County Sheriff's Office. You are not permitted to enter the property of Weld County Sheriff's Office without express direction from Sheriff Reams, Undersheriff Patch, Lieutenant Pollard, or Sergeant Roles-Foos. You are not allowed to conduct any business under the authority of the Weld County Sheriff's Office or Weld County Government. You are required to keep me informed of where you can be contacted, either in person or by telephone, on a daily basis.

Further, you are hereby ordered not to discuss this investigation with anyone except the supervisor or investigator assigned to this investigation.

The above notice was read to me by:

_____ on _____at _____

Name and Title Date/Time Location

_____ _____

Subject Employee Name (print) Subject Employee Signature

Main Office, Greeley
1950 "O" Street
Greeley, CO 80631
Phone (970) 356-4015
Fax (970) 304-6467

Fort Lupton Sub Station
330 Park Avenue
Fort Lupton, CO 80621
Phone (303) 857-2465
Fax (303) 857-3027

Southwest Complex
4209 WCR 24 ½
Longmont, CO 80504
Phone (720) 652-4215
Fax (720) 652-4217

North Jail Complex
2110 "O" Street
Greeley, CO 80631
Phone (970) 356-4015 x3922
Fax (970) 304-6461

WELD COUNTY SHERIFF

STEVE REAMS

ADMINISTRATIVE LEAVE NOTICE

Criminal Case Number: _____

Internal Affairs Case Number: _____

Employee Name: _____ Assignment: _____

The Weld County Sheriff's Office has become aware of an incident involving your conduct or performance as an employee of the Weld County Sheriff's Office. Your continued assignment as a _____could jeopardize the safe and orderly operations of the Weld County Sheriff's Office with which you have contact with on a daily basis.

Effective immediately, you are being placed on **UNPAID** administrative leave. You are to turn in your county badge, ID card(s), all weapons and keys issued to you or used by you during the course of your official duty at the Weld County Sheriff's Office. You are not permitted to enter the property of Weld County Sheriff's Office without express direction from Sheriff Reams, Undersheriff Patch, Lieutenant Pollard, or Sergeant Roles-Foos. You are not allowed to conduct any business under the authority of the Weld County Sheriff's Office or Weld County Government. You are required to keep me informed of where you can be contacted, either in person or by telephone, on a daily basis.

Further, you are hereby ordered not to discuss this investigation with anyone except the supervisor or investigator assigned to this investigation.

The above notice was read to me by:

_____ on _____at _____

Name and Title Date/Time Location

_____ _____

Subject Employee Name (print) Subject Employee Signature

Main Office, Greeley
1950 "O" Street
Greeley, CO 80631
Phone (970) 356-4015
Fax (970) 304-6467

Fort Lupton Sub Station
330 Park Avenue
Fort Lupton, CO 80621
Phone (303) 857-2465
Fax (303) 857-3027

Southwest Complex
4209 WCR 24 ½
Longmont, CO 80504
Phone (720) 652-4215
Fax (720) 652-4217

North Jail Complex
2110 "O" Street
Greeley, CO 80631
Phone (970) 356-4015 x3922
Fax (970) 304-6461

Garrity Notice -2021.pdf

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Weld County Sheriff's Office
Garrity Notice

Criminal Case Number: _____

IA Case Number: _____

Employee Name: Choose Title _____ Assignment: Detentions

You are being questioned as part of an official internal affairs investigation by the Weld County Sheriff's Office. You will be asked questions specifically directed and related to the performance of your official duties or fitness for office. You are ordered to answer all questions asked of you. If you refuse to testify or answer questions truthfully relating to your performance of your official duties or fitness for duty, you will be subject to departmental discipline, which could result in your dismissal from this agency. If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any criminal proceeding, except if you knowingly and willfully make false statements. However, these statements may be used against you in relation to subsequent departmental charges.

Further, you are hereby ordered not to discuss this investigation with anyone except the supervisor or investigator assigned to this investigation and or your attorney.

The above notice was read to me by: Choose Title/Rank _____

at: _____

_____ _____

Choose Title/Rank Date/Time

Signature

_____ _____

Choose Title Date/Time

Signature

Extension Request -2021.pdf

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Weld County Sheriff's Office
Internal Investigation Extension

To: WCSO Sheriff or Designee, via Chain of Command

From: Choose Title

Date: _____

Ref: _____

The above referenced internal investigation was opened on:

In accordance with WCSO Policy, it should be completed by:

The investigation is not complete due to:

For the reasons above, I formally request a due date extension to:

_____ _____

Choose Title Date

Signature

Sheriff's Review:

☐ Approved

☐ Denied

_____ _____

Sheriff or designee Signature Date

Complaint Form.pdf

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Complaint Form

Please fully complete this form. Your feedback will not be accepted if it is incomplete, illegible, or unsigned.

The Weld County Sheriff's Office will impartially investigate complaints involving its employees' interactions with members of the public. The Sheriff's Office will accept and document feedback and information about services and performance of any agency representative upon receiving a signed, written complaint, from parties with standing.

Complainant first and last name:
Address:
City, ST, ZIP:
Phone and email address:

To expedite this process and gather the facts involved as accurately as possible, you are asked to provide a written statement concerning your complaint.· In the space below, specifically identify the basis for your complaint and provide as much detail as possible concerning the incident.

Date/time/location of incident:
Name/description of involved employee:
Details/description of the incident:

HQ (District I and 4) - 1950 0 St Greeley, CO 80631
Phone (970)356-4015, Fax (970)304-4167

District 3 Substation 2950 9th St Ft Lupton. CO 80621
Phone (303) 857-2465, Fax (303) 857-3027

District 2 Substation 4209 WCR 24.5 Longmont, CO 80504
Phone (720) 652-4215, Fax (720) 652-4217

WELD COUNTY SHERIFF

Office

Weld County Sheriff's Complaint Form

I hereby certify that the statements I have given herein are true and accurate to the best of my knowledge. Further, I understand that making false statements may constitute a violation of law.

I hereby acknowledge that in compliance with CRS 24.72.303 the investigation and findings of this complaint are subject to public disclosure under the Colorado Open Records Act (CORA).

Signature of Complainant: Date:

For Internal Use Only:

Received By: Date/Time Received:

HQ District 1 and 4 - 19500 St Greeley, CO 80631
Phone (970) 3S6-4015 Fax (970) 304-6467

District 3 Substation 2950 91h St Ft Lupton. CO 80621
Phone (303) 857-2465 Fax (303) 857-3027

District 2 Substation 4209 WCR 24.S Longmont CO 80504
Phone (720) 652-4215 Fax (720) 652-4217

Admin Leave Notice - 2021.pdf

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Weld County Sheriff's Office
Administrative Leave Notice

Criminal Case Number: _____

Internal Affairs Case Number: _____

Employee Name: Choose Title Assignment: Choose Assignment

The Weld County Sheriff's Office has become aware of an incident involving your conduct or performance as an employee of the Weld County Sheriff's Office. Your continued current assignment could jeopardize the safe and orderly operations of the Weld County Sheriff's Office.

Effective immediately, you are being placed on Choose Leave Type administrative leave. You are to turn in your county badge, ID card(s), all weapons and keys issued to you or used by you during your official duty at the Weld County Sheriff's Office. You are not permitted to enter the property of Weld County Sheriff's Office without express direction from the Sheriff, Under sheriff, the Administrative Capitan, Professional Standards Lieutenant, or Internal Affairs Sergeant. You are not allowed to conduct any business under the authority of the Weld County Sheriff's Office or Weld County Government. You are required to keep the assigned investigator informed of where you can be contacted, either in person, by telephone, or voicemail/text message/email daily. Further, you are hereby ordered not to discuss this investigation with anyone except the investigator assigned to this investigation, your attorney or uninvolved members of the Peer Support Team (PST).

Personnel involved in an internal investigation may request assistance from the PST Clinical Advisor, Tim Brown (970-290-5208) or uninvolved members of the PST for assistance in dealing with the stress from the investigation or inquiry.

_____ _____

Choose Title/Rank Date/Time

Signature

_____ _____

Choose Title Date/Time

Signature

Pre-Employment.pdf

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Criminal History/ Activity	Disqualification Period				
	Prior 12 Months	Prior 36 Months	Prior 60 Months	Individual Review	Permanent DQ
Current member or supporter of any group which seeks to alter the form of government of the United States of America by unconstitutional means (Reference C.R.S 18-11-101 through 18-11-205}					X
Current member or supporter of any group which advocates unlawful, anarchistic & seditious associations (Reference C.R.S 18-11-203)					X
Self-admitted felonious behavior or activity as defined by federal, state or local statute. Statute of Limitation may apply.				X	
Felony conviction (any federal, state or local jurisdiction, except juvenile convictions to be reviewed individually)					X
Self-admitted behavior or activity equating to a class 1 or class 2 misdemeanor as defined by Colorado Revised Statute excluding substance abuse related driving offenses. Statutes of Limitation may apply.				X	
Criminal Conviction equating to a class 1 or class 2 misdemeanor(s) as defined by Colorado Revised Statute excluding substance abuse related driving offenses		X		X	
Criminal misdemeanor conviction relating to DUI, DUI Per Se, DWAI (Reference C.R.S. Title 42 Traffic Code)			X (Positions not requiring Driving privilege)	X (Positions not requiring Driving privilege)	
Self-admitted behavior or activity relating to DUI, DUI Per Se, DWAI (Reference C.R.S. Title 42 Traffic Code)				X	
FTA Warrant for traffic related violation not including alcohol or drug related offenses; FTA Warrant for Petty Offenses	X			X	
Sustained Internal Affairs Investigations (High risk areas such as, but not limited to excessive use of force, integrity, lack of judgment, conduct violating public trust)				X	
Perjury or providing official false statements (Reference C.R.S. 18-8-501 through 18-8-614}				X	
Knowingly falsified requested information during a selection process; Knowingly falsified documentation of college degree, transcripts, or specialized training or certification;				X	
Patterns of financial instability				X	
Patterns of culpability regarding excessive traffic violations/Careless or reckless driving/suspended or revoked driving privilege/Hit & Run				X (Positions requiring Driving privilege)	

Involvement/ Activity	DISQUALIFICATION PERIOD				
	Prior 12 Months	Prior 36 Months	Prior 60 Months	Individual Review	Permanent DQ
Reported/Unreported facts that would be a violation of CRS §18- 13-122 **Illegal possession or consumption of ethyl alcohol by an underage person (<21 years of age); OR** Reported/Unreported procurement of ethyl alcohol for underage person(s) that would be a violation of CRS §18-13-122 **Illegal possession or consumption of ethyl alcohol by an underage person (<21 years of age)**				X	
Controlled Substances defined in CRS §18-18-203 through §18-18-204, Schedules I-IV: ***Possession* or *unlawful* use,** of a controlled substance including, but not limited to, the following- A. Hallucinogenic substances (LSD, mescaline, psilocybin, peyote, hallucinogenic mushrooms), tetrahydrocannabinols; and/or, B. Gamma hydroxybutyrate GHB; and/or, C. Opium and opium derivatives (codeine, hydrocodone, morphine hydrocodone, cocaine); and/or, D. Synthetic opiates (methadone); and/or, E. Stimulants (amphetamines, methamphetamines, phentermine); and/or, F. Depressants (amobarbital, secobarbital, diazepam, phenobarbital); and/or, G. Anabolic steroids, human growth hormone (HGH) and ketamine. H. Marihuana and marihuana concentrate-CRS §18-18-406: Possession OR use HOWEVER slight.				X	
Abuse of toxic vapors: CRS §18-18-412 Knowingly smelling or inhaling the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of the nervous system.				X	
Felony conviction for unlawful distribution, manufacture, dispensing or sale **(18-18-405)** of controlled substances listed in CRS §18-18-203 through §18-18- 204, Schedules I-IV.					X
Self-admitted felonious behavior of unlawful distribution, manufacture, dispensing or sale **(18-18-405)** of controlled substances listed in CRS §18-18-203 through §18-18- 204, Schedules I-IV.				X	
Unlawful Sexual Behavior, as defined in **CRS §18-3-401 through 18-3-405.6,** including sexual assault, unlawful sexual contact, sexual offenses against children; or Offenses Relating to Morals as defined in **CRS §18-7-401 through 18-7-406 and 18-7-502;** or Cruelty to Animals as defined in **18-9-202(1)(a),** specifically, sexual acts with an animal (bestiality).					X

VEHICLE PRE-OP 050720 LIVE.pdf

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VEHICLE PRE-OPERATION CHECK LIST

Clear Form

Print Form

UNIT #:	DATE:	NAME:	SHIFT:
ASSIGNED VEHICLE ☐ SPARE ☐		VEHICLE MILEAGE:	
VEHICLE MAINTENANCE DUE MILEAGE:			
FUEL CARD ☐ REGISTRATION ☐ INSURANCE CARD ☐ WEX CARD ☐			
VEHICLE CLEANLINESS ☐ YES ☐ NO			
VEHICLE DAMAGE/GRAPHICS:			

EQUIPMENT	NOTATIONS
TACTICAL EQUIPMENT: HELMET ☐ VISOR ☐ VEST w/RIFLE PLATES ☐	
RIOT GEAR ☐	
LL SHOTGUN ☐ SERIAL # SOCK ROUNDS #:	
FLASHLIGHT (1) / FTO VEHICLE (2) SERIAL #'S:	
PBT ☐ SERIAL #	
TRAFFIC VEST ☐ FTO ☐	
PERSONAL FIRST AID KIT ☐	
BIO-HAZARD KIT ☐	
CPR MASK ☐	
EMERGENCY SURVIVAL BLANKET ☐	
BARRIER TAPE ☐ EVIDENCE COLLECTION SUPPLIES ☐	
FINGERPRINT KIT ☐	
DNA COLLECTION SUPPLIES ☐	
BELLY BELT ☐ LEG IRONS ☐ FLEX CUFFS ☐ LEG RESTRAINT ☐	
SPIT MASK ☐	
STOP STICKS ☐	
ROAD FLARES ☐ LED ROAD FLARE [SET OF 6] ☐	
MEASURING WHEEL ☐	
COLLAPSIBLE SHOVEL ☐	
STUFFED ANIMALS ☐	
EMERGENCY RESPONSE GUIDE BOOK ☐	
INTERSTATE INCIDENT PLAN ☐	

VEHICLE OPERATIONAL CHECK LIST	
POLICE RADIO OPERATIONAL ☐	BRAKE FLUID ☐
RADAR ☐ LIDAR ☐ SERIAL NUMBER(S):	OIL LEVEL ☐
RADAR TUNING FORKS: HIGH BAND ☐ LOW BAND ☐	TRANSMISSION FLUID ☐
RADAR REMOTE ☐	WINDSHIELD CLEANER ☐
TIRE WEAR ☐	ENGINE COOLANT ☐
EMERGENCY LIGHTING ☐	POWER STEERING FLUID ☐
HEAD LIGHTS ☐ TURN SIGNALS ☐ TAIL LIGHTS ☐	SPARE TIRE & JACK ☐
BRAKE LIGHTS ☐	BATTERY ☐
FIRE EXTINGUISHER ☐	TIRE PRESSURE ☐

PRISONER COMPARTMENT		
CONTRABAND CHECK ☐	SEAT BELT ☐	CAGE ☐

COMMENTS	
DEPUTY SIGNATURE:	SERGEANT SIGNATURE:

UPDATED 05/06/2020

WCSO Requisition Form.pdf

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WCSO REQUISITION FORM

Requested by	Authorized by (Captain or LT)

Department:	Delivery notes (date/location):		
Fund: 1000	Org:	Line:	Prog:
Suggested Vendors:			
If request is not from a Sole Source vendor: refer to Procurement Policy and County Code 5-4-30:80 for bid requirements.			
Sole Source:	QM only:	Budgeted:	
If not budgeted, provide brief explanation why: Starting a new Division, and cannot sit in the chair without hitting the arm rests	Approval by US or Sheriff for non-budgeted purchase		

Quantity	Item Description: *(please provide product link when available)*	Model/MGF #	Price Per Unit	Total
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
				$ 0.00
			Shipping & Handling:	
			Total	$ 0.00

Section below to be completed by purchasing tech

Date Requisition Received:	*Confirmation/Order #:*	
Requisition #:	*Purchase Order #:*	*Receiver/ Invoice #:*
Customer/Account #:	*Vendor #:*	
Date Entered:	*Date Received:*	*Emailed Requester:*

Extension Request - Memo Template -2019.pdf

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WELD COUNTY SHERIFF
STEVE REAMS

To: Sheriff Reams or Designee, via Chain of Command
From:
Date:
Subject: Extension Request – _____
IA case number

The Internal Investigation, _____, was opened on _____ and per
IA case number date
WCSO Policy – Internal Investigations, it should be completed by _____. However,
date
the investigation has not been completed for the following reasons:

I am requesting an extension of the allotted time to complete the Administrative/Supervisory Investigation by ____ business days, with the new deadline of _____.
date

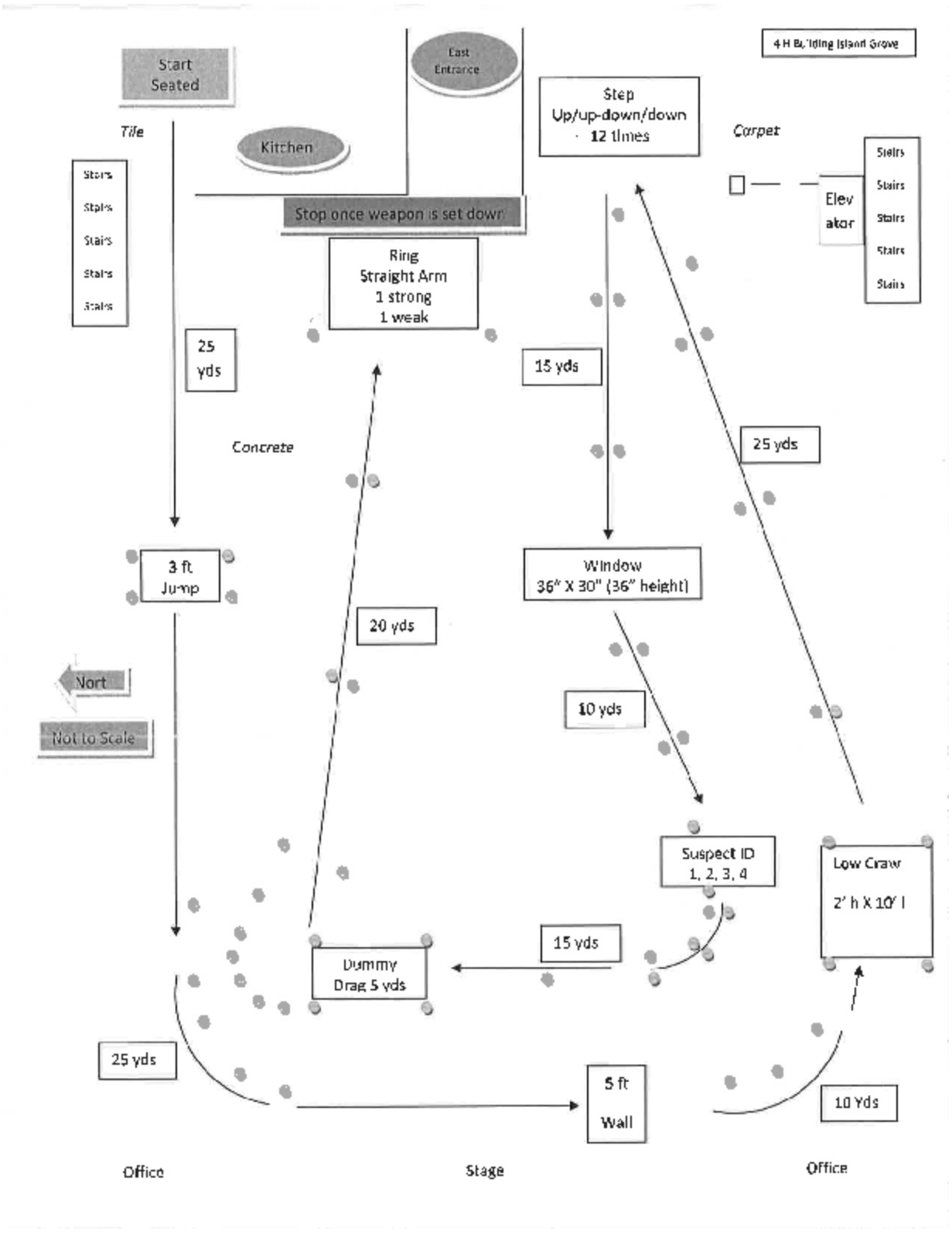
Southwest Substation
4209 WCR 24 1/2
Longmont, Colorado 80504
(720) 652-2415
Fax (720) 652-4217

Headquarters
1950 O Street
Greeley, Colorado 80631
(970)356-4015
Fax (970)304-6467
Toll Free (800)436-9276
www.weldsheriff.com

Southeast Substation
2950 9th Street
Fort Lupton, Colorado 80621
(303) 857-2465
Fax (303) 637-2422

Lawfit course diagram.pdf

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Start
Seated
Tile
East
Entrance
Kitchen
Stop once weapon is set down
Step
Up/up-down/down
12 times
Carpet
Elev
ator
Stairs
Stairs
Stairs
Stairs
Stairs
Stairs
Stairs
Stairs
Stairs
Ring
Straight Arm
1 strong
1 weak
25
yds
15 yds
25 yds
Concrete
3 ft
Jump
Window
36" X 30" (36" height)
20 yds
10 yds
Nort
Not to Scale
Suspect ID
1, 2, 3, 4
Low Craw
2' h X 10' l
15 yds
Dummy
Drag 5 yds
25 yds
5 ft
Wall
10 Yds
Office
Stage
Office

Use of Accrued Vacation in Lieu of Suspension form - Appendix A.pdf

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APPENDIX A

EMPLOYEE REQUEST FORM

To: _____

From: _____

Date: _____

Ref: Use of Accrued Vacation Leave in lieu of Suspension

To Whom It May Concern:

On _____ I received notice of a recommendation for a _____ day
Date **Number**
suspension/ leave without pay, the result of disciplinary action taken.

I hereby request to use accrued vacation leave in lieu of suspension/ leave without pay.

I understand the amount of suspension time is deducted from my accrued vacation leave and I do not take any time away from work.

I am voluntarily requesting to exercise this option and no threats, coercion, or promises have been made to me.

I understand this option is not a right and subject to approval at the discretion of my supervisor, department head or elected official.

_____ _____
Employee Signature **Date**

crcl-i-speak-booklet.pdf

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I speak ...

A

Amharic

እኔ አማረኛ ነው ምናገረው.

Arabic

أنا أتحدث اللغة العربية

Armenian

Ես խոսում եմ հայերեն

B

Bengali

আমী ঝংলা কথা ঝেলতে পারী

Bosnian

Ja govorim bosanski

Bulgarian

Аз говоря български

Burmese

ကျွန်တော်/ကျွန်မ မြန်မာ လို ပြောတတ် ပါတယ်၊

C

Cambodian
ខ្ញុំនិយាយភាសាខ្មែរ

Cantonese
我講廣東話 (Traditional)

我讲广东话 (Simplified)

Catalan
Parlo català

Croatian
Govorim hrvatski

Czech
Mluvím česky

D

Danish
Jeg taler dansk

Dari
من دری حرف می زنم

Dutch
Ik spreek het Nederlands

E

Estonian
Ma räägin eesti keelt

F

Finnish
Puhun suomea

French
Je parle français

G

German
Ich spreche Deutsch

Greek
Μιλώ τα ελληνικά

Gujarati
હુ ગુજરાતી બોલુ છુ

H

Haitian Creole
M pale kreyòl ayisyen

Hebrew
אני מדבר עברית

Hindi
मैं हिंदी बोलता हूँ ।

Hmong
Kuv has lug Moob

Hungarian
Beszélek magyarul

I

Icelandic
Èg tala íslensku

Ilocano
Agsaonak ti Ilokano

Indonesian
syay bisa berbahsa Indonesia

Italian
Parlo italiano

J

Japanese
私は日本語を話す

K

Kackchiquel
Quin chagüic´ká chábal´ ruin´ rí tzújon cakchiquel

Korean
한국어 합니다

Kurdish
man Kurdii zaanim

Kurmanci
man Kurmaanjii zaanim

L

Laotian
ຂອ້ຍປາກພາສາລາວ

Latvian
Es runâju latviski

Lithuanian
Að kal bu lietuviš kai

M

Mandarin

我講國語 (Traditional)

我讲国语/普通话 (Simplified)

Mam

Bán chiyola tuj kíyol mam

Mon



N

Norwegian

Jeg snakker norsk

P

Persian

من فارسی صحبت می کنم.

Polish

Mówię po polsku

Portuguese

Eu falo português do Brasil
(for Brazil)

Eu falo português de Portugal
(for Portugal)

Punjabi

ਮੈਂ ਪੰਜਾਬੀ ਬੋਲਦਾ/ਬੋਲਦੀ ਹਾਂ।

Q

Qanjobal

Ayin tí chí walq´ anjob´ al

Quiche

In kinch´aw k´uin ch´e quiche

R

Romanian
Vorbesc româneşte

Russian
Я говорю по-русски

S

Serbian
Ја говорим српски

Sign Language (American)





Slovak
Hovorím po slovensky

Slovenian
Govorim slovensko

Somali
Waxaan ku hadlaa af-Soomaali

Spanish
Yo hablo español

Swahili
Ninaongea Kiswahili

Swedish
Jag talar svenska

T

Tagalog
Marunong akong mag-Tagalog

Tamil
நான் தமிழ் பேசுவேன்

Thai
พูดภาษาไทย

Turkish
Türkçe konuşurum

U

Ukrainian
Я розмовляю українською мовою

Urdu
میں اردو بولتا ہوں

V

Vietnamese
Tôi nói tiêng Việt

W

Welsh
Dwi'n siarad

X

Xhosa
Ndithetha isiXhosa

Y

Yiddish
איך רעד יידיש

Yoruba
Mo nso Yooba

Z

Zulu
Ngiyasikhuluma isiZulu

Agrupación Lingüística	Variante Lingüística	Frase en español	Frase en lengua
chichimeo jonaz	chichimeco jonaz	yo hablo chichimeca	ikáuj úza' ér~í
mazateco	mazateco del norte	yo hablo mazateco Hablo la lengua de Santa María Chilchotla	Cha'ña enná Cha'ña énn nda xo
maya	maya	Yo hablo maya	teen k-in t'aan maya
mixe	mixe bajo	Yo hablo mixe	Madyakpiëch ayuuk
	mixe alto, de Tlahuitoltpec	Yo hablo mixe	Xaamkëjxpët ayuujk ëts nkajpyxypy
mixteco	mixteco del oeste de la costa	yo hablo mixteco	Yuu kain se'en savi ñu ñundua

Agrupación Lingüística	Variante Lingüística	Frase en español	Frase en lengua
náhuatl	náhuatl de la huasteca veracruzana (se entiende junto con Ve racruz y San Luis Potosí)	yo hablo náhuatl	Na nitlajtowa náhuatl
tojolabal	tojolabal	yo hablo tojolabal	Ja´ke´ni wala kúmaniyon tojol-abál
triqui	triqui de la baja	yo hablo triqui	‘unj a’mii xna’ ánj nu’a
tseltal	tseltal (variante unificada)	Yo hablo tseltal	Te jo’one ja k’op te bats’il k’op tseltal
tsotsil	tseltal (variante unificada)	Yo hablo tsotsil	Vu’une jna’xi k’ opoj ta bats’i k’op
zapoteco	zapoteco de la planicie costera	yo hablo zapoteco	Naa riné’ diidxazá
chinanteco	chinanteco del sureste medio	yo hablo chinanteco	Jnea lo’n jujmií kiee ’dsa mo’kuöo

A - pg. 3
Amharic
Arabic
Armenian

B - pg. 3
Bengali
Bosnian
Bulgarian
Burmese

C - pg. 4
Cambodian
Cantonese
Catalan
Croatian
Czech

D - pg. 5
Danish
Dari
Dutch

E - pg. 5
Estonian

F - pg. 5
Finnish
French

G - pg. 6
German
Greek
Gujarati

H - pg. 7
Haitian Creole
Hebrew
Hindi
Hmong
Hungarian

I - pg. 8
Icelandic
Ilocano
Indonesian
Italian

J - pg. 8
Japanese

K - pg. 9
Kackchiquel
Korean
Kurdish
Kurmanci

L - pg. 9
Laotian
Latvian
Lithuanian

M - pg. 10
Mandarin
Mam
Mon

N - pg. 10
Norwegian

P - pg. 11
Persian
Polish
Portuguese
Punjabi

Q - pg. 11
Qanjobal
Quiche

R - pg. 12
Romanian
Russian

S - pg. 12, 13
Serbian
Sign Language
Slovak
Slovenian
Somali
Spanish
Swahili
Swedish

T - pg. 13, 14
Tagalog
Tamil
Thai
Turkish

U - pg.14
Ukrainian
Urdu

V - pg.14
Vietnamese

W - pg. 14
Welsh

X - pg. 15
Xhosa

Y - pg. 15
Yiddish
Yoruba

Z - pg. 15
Zulu

See page 16,17 for selected indigenous languages of Mexico.

Limited English Proficiency Resources

www.lep.gov

"I Speak" is provided by the Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL). Special thanks to the Department of Justice Bureau of Justice Assistance and the Ohio Office of Criminal Justice Services, for inspiration and permission to use their "I Speak" guide as the initial source.

Office for Civil Rights and Civil Liberties

www.dhs.gov/crcl

Toll Free: 1-866-644-8360
Toll Free TTY: 1-866-644-8361
Email: crcl@dhs.gov

State of Ohio
Office of Criminal Justice Services
www.ocjs.ohio.gov

OHIO PUBLIC SAFETY
EDUCATION • SERVICE • PROTECTION

U.S. Department of Homeland Security

Department of Justice Office of Justice Programs

BJA
Bureau of Justice Assistance
U.S. Department of Justice

APPENDIX A - ALTERNATIVE DUTY FIREARMS 2026.pdf

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APPENDIX A
ALTERNATIVE DUTY FIREARMS

Approved Duty and Secondary Firearms Manufacturers:

- Beretta
- Browning
- Bushmaster
- Colt
- CZ
- DPMS
- Fabrique Nationale (FN Herstal, FN)
- Glock
- Heckler & Kock (H&K, HK)
- Kimber
- LWRC
- Para Ordinance
- Rock River Arms
- Ruger
- Shadow Systems
- Sig Sauer
- Smith & Wesson
- Springfield Armory, XD models.
- Staccato
- Stag Arms
- Wilson Combat

Approved Red Dot Sight Manufacturers:

- Holosun
- Leupold
- Sig Sauer
- Trijicon
- Vortex
- Steiner
- Burris
- EOTECH

INDEX / TOPICS

A

ACKNOWLEDGEMENTS
Policy revisions. 15
ADMINISTRATIVE HEARINGS. 404
ADMINISTRATIVE INVESTIGATION. . . . 92
ADULT ABUSE. 124
Homeless persons. 368
Investigations. 414
AIRCRAFT
Accidents. 314
Ambulance. 386
Temporary flight restrictions. 166
ANIMAL CONTROL PROCEDURES. . . . 515
ANIMALS
Service. 206
ANTI-RETALIATION. 543
APPOINTMENTS
Forfeiture reviewer. 443
Operations director. 446, 451
Press Information Officer. 165
UAS Coordinator. 435
Volunteer coordinator. 221
ARREST
TRANSPORT, SEARCHES. 530
ARRESTS
Authority. 9
Citations. 295
Control devices. 75
Domestic violence. 110
First amendment assemblies. 380
Handcuffs and restraints. 71, 72
Mass. 378
Mental health. 322
ASSET FORFEITURE. 440
AUDIO/VIDEO RECORDING
Custodial interrogation. 413
AUDITS
Asset forfeiture. 443
Informant files. 424
Informant funds. 426
AUTHORITY. 9
Abuse of. 368
Policy Manual. 13
AUTOMATED EXTERNAL DEFIBRILLATORS (AED). 386

B

BADGE. 573
BARRICADE INCIDENTS. 286
BATON. 76
BIAS-BASED POLICING. 265
BIOLOGICAL SAMPLES
Hazards. 315
BLOOD TESTS. 400
BODY ARMOR. 480
BODY CAVITY SEARCH. 530
BOMBS
Aircraft accidents. 315
BOOKING SEARCH. 530
BRIEFING
Operations. 454

C

CASH
Audit. 426
Informants. 425
Searches. 531
CHAPLAINS
Volunteers. 220
CHILD ABUSE. 129
Definitions. 129
CHILDREN
Language assistance. 206
Safety. 111
CITATIONS. 295
Evaluation criteria. 390
Traffic. 391
CIVIL COMMITMENTS OR EMERGENCY ADMISSIONS
Homeless persons. 369
CIVIL DISPUTES. 382
CIVIL RESPONSE TEAM. 94
COMMAND STAFF
Policy review. 15
COMMUNICABLE DISEASES. 546
COMMUNICATIONS FOR PERSONS WITH DISABILITIES. 200
CONFIDENTIALITY
Communicable disease information. . . . 549
Informants. 422
Protected information. 224
Radio broadcasts. 342
Surreptitious recording. 344
CONTACT AT SCHOOL. 120
CONTACTS AND TEMPORARY DETENTIONS

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Warrant service. 448
CONTROL DEVICES
Decontamination. 547
Training. 305
COURT ORDERS
Asset seizure. 441
Civil disputes. 382
Domestic violence. 109
Foreign. 112
Juvenile informants. 422
Surreptitious recording. 344
COURTROOM ATTIRE. 173
COURTROOM PROTOCOL. 172
CRIME ANALYSIS. 483
CRISIS NEGOTIATION TEAM. 270
CRISIS RESPONSE UNIT. 270
CRISIS RESPONSE UNIT
Operations. 455
CUSTODIAL SEARCHES. 530

D

DEATH
Native American Graves (NAGPRA). . 227
DEBRIEFING
Operations planning and deconfliction. . 456
DECONFLICTION. 453
DEFECTIVE VEHICLES. 466
DEPARTMENT/OFFICE PROPERTY. . . 458
DEPENDENT ADULTS
Safety. 111
DISABLED
Communicating with the. 200
DISCIPLINE
Volunteers. 225
DISPUTED CLAIMS. 492
DOMESTIC VIOLENCE. 109
DRIVING
MDT/MDC. 341
DUI ENFORCEMENT. 399

E

ELECTRICAL LINES. 311
ELECTRONIC MAIL. 33
EMERGENCY MANAGEMENT PLAN
MANUALS. 23
EMERGENCY UTILITY. 311
EVIDENCE
Custodial searches. 530
Seizing recordings. 372
Use of force. 65
EXPOSURE. 284
EYEWITNESS IDENTIFICATION. . . . 427

F

FIELD IDENTIFICATION. 427
FIELD SOBRIETY TESTS. 399
FIELD TRAINING OFFICER. 318
FIREARMS
Civil commitments. 323
FIRST AMENDMENT ASSEMBLIES. . . 376
FITNESS FOR DUTY
Volunteers. 223
FOREIGN
Court orders. 112
Currency. 531
FORMS
Eyewitness identification. 427

G

GENERAL ORDER. 22

H

HANDCUFFING AND RESTRAINTS. . . . 70
Persons with disabilities. 204
HATE CRIMES. 157
HAZARDOUS MATERIAL. 283
HAZARDOUS MATERIAL (HAZMAT)
RESPONSE
Aircraft accidents. 315
Precautions. 547
HAZARDS. 586
HELICOPTER ASSISTANCE. 324
HIGH-VISIBILITY VESTS. 392
HOMELESS PERSONS. 368
HOSTAGE AND BARRICADE INCIDENTS 286
HOSTAGES
NEGOTIATIONS. 286

I

IDENTITY THEFT. 188
ILLNESS AND INJURY PREVENTION. . 585
IMMUNIZATIONS. 548
IMPAIRED DRIVING. 399

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INFORMANTS. 422
INJURY CLAIMS. 563
INSPECTIONS
Illness and injury prevention. 587
Personal protective equipment. 587
Vehicles. 587
INVESTIGATION AND PROSECUTION. . 412

J

JURISDICTION
Aircraft accidents. 315
Authority. 9
Foreign court orders. 112
Identity theft. 188
JUVENILES
Minors. 120

K

KEYS
Searches. 115
KINETIC PROJECTILES. 78

L

LAW ENFORCEMENT AUTHORITY. . . . 9
LIMITED ENGLISH PROFICIENCY. . . . 192
LIVE LINEUP. 427

M

MEDIA. 165
Aircraft accidents. 316
First amendment assemblies. 380
Operations plans. 456
Warrant service. 450
MEDIA RELATIONS. 89
MEDIA REQUEST. 165
MEDICAL
Aircraft accidents. 314
Barricade situation. 288
Domestic violence. 111
Homeless persons. 368
Illness and injury prevention. 585
Personnel-body cavity searches. 533
Releases. 386
Treatment for communicable disease exposure. 548
MINIMUM STAFFING. 38
MISSING PERSONS. 137
MUTUAL AID
First amendment assemblies. 379
Interstate peace officer powers. 10
Warrant service. 449

N

NATIVE AMERICAN GRAVES (NAGPRA) 227
NONSWORN
Investigation and prosecution. 413
NOTIFICATIONS
Aircraft accidents. 315
Impaired driving. 401
NUMERICAL FILING. 501

O

OATH OF OFFICE. 12
OC SPRAY. 77
OC SPRAY
Decontamination. 71
OFFICER-INVOLVED SHOOTING. 87
OFFICER SAFETY
Asset forfeiture. 440
Civil commitments. 322
Custodial searches. 530
Domestic violence. 109
Handcuffing and restraints. 70
Informants. 423
Occupational hazards. 586
Search and seizure. 115
Seat belts. 551
Warrant service. 446
ON-DUTY INJURIES. 563
OPERATIONS PLANNING AND DECONFLICTION. 451
OUTSIDE AGENCY ASSISTANCE. . . . 179

P

PATROL FUNCTION. 261
PEPPER PROJECTILES. 77
PEPPER SPRAY. 77
PERFORMANCE EVALUATIONS
Volunteers. 226
PERSONAL PROPERTY. 458
Loss or damage. 459

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PERSONAL PROTECTIVE EQUIPMENT. 476
PHOTOGRAPHIC LINEUP. 427
PHOTOGRAPHS
Aircraft accidents. 316
First amendment assemblies. 377
PIO. 165
POLICE/SHERIFF CADETS. 568
Program Advisors. 568
POLICY MANUAL. 13
PRESS INFORMATION OFFICER. . . . 165
PRIVACY EXPECTATIONS
MDT/MDC. 341
Unmanned aerial systems. 435
PRIVATE PERSONS ARRESTS. 190
PROPERTY PROCEDURES. 484
Controlled Substances. 486
Disputed Claims. 492
Packaging Of Property. 488
Property Handling. 485
PROPERTY PROCEDURES
Property booking. 485
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY. 371
PUBLIC RECORD REQUESTS. 503

R

RAPID RESPONSE AND DEPLOYMENT. 304
RECORDS BUREAU
Administrative hearings. 404
Impaired driving. 404
Suspicious activity reports. 375
RECORDS MAINTENANCE AND RELEASE 503
RECORDS RELEASE
Eyewitness identification policy. 433
Subpoenas and discovery requests. . . . 506
RECORDS RETENTION
Email. 33
Illness and injury prevention. 588
Operations plans. 454
Personal protective equipment. 479
RECORDS SECTION. 501
REPORT CORRECTIONS. 162
REPORTING LAW ENFORCEMENT ACTIVITY. 307
RESERVE DEPUTIES
Duties. 176
RESERVE OFFICERS/DEPUTIES. 175
Coordinator. 176
RESPONSE TO CALLS. 95
RESTRICTED INFORMATION. 167
RETALIATION PROHIBITED. 543
REVIEWS
Asset forfeiture seizures. 443
Eyewitness identification process - annual. 427
Illness and injury prevention plan. . . . 585
Policy manual. 15
Registrant compliance - annual. 182
UAS. 435
Volunteer program - annual. 226

S

SAFETY
Inspections (occupational). 587
Media. 165
Occupational. 585
SAFETY
Temporary flight restrictions. 166
SAFETY EQUIPMENT
First amendment assemblies. 378
High-visibility vests. 392
Seat belts. 551
SART. 417
SEARCHES. 114
Body cavity. 533
Custodial. 530
SEARCH WARRANT
Seized recording devices or media. . . . 373
SEARCH WARRANTS. 446
SOCIAL MEDIA
Media relations. 380
STRIP SEARCH. 530
SUBPOENAS
Civil Subpoenas. 172
Failure To Appear. 171
Refusal. 171
SUBPOENAS
Records release and discovery requests. . 506
SUPERVISION DEPLOYMENTS. 38
SUPERVISION STAFFING LEVELS. . . . 38
SUSPICIOUS ACTIVITY REPORTING. . 374

T

TEAR GAS. 76
TIME CARD. 560
TIME CARDS. 560
TRAFFIC
Citations. 391
TRAFFIC SIGNAL. 311
TRAINING
SWAT. 272

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TRAINING
AED. 386
Communicable disease. 549
Fair and objective policing. 266
First amendment assemblies. 381
Occupational safety. 587
Operations planning and deconfliction. . 456
Personal protective equipment. 479
Persons with disabilities. 208
Rapid response and deployment. 305
Volunteers. 222
Warrant service. 450

U

UNIFORMS
Volunteer dress code. 224
UNLAWFUL ASSEMBLY. 379
UNMANNED AERIAL SYSTEM. 434
URINE TESTS. 400
UTILITY SERVICE. 311

V

VEHICLE MAINTENANCE. 466
VICTIM ASSISTANCE. 152
VIDEO RECORDINGS
First amendment assemblies. 377
VOLUNTEERS. 220

W

WARNINGS
Traffic. 391
WARRANT SERVICE. 446
WASHING OF VEHICLES. 468
WATCH COMMANDERS. 340
WORKERS' COMPENSATION. 563

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