SHERIFF’S PREFACE

The Montezuma County Sheriff's Office has been serving its citizens and visitors since it was created by the Colorado Legislature in 1889. This Policy and Procedure Manual has been developed to guide and enhance every member in our daily operation towards the mission of the Montezuma County Sheriff's Office; in doing so, we are establishing the beginning of a new era in this professional law enforcement agency. Our vision is the creation of new traditions that set a high ethical and trusted standard for one another and the citizens we serve today and in the future.

The members of the Montezuma County Sheriff's Office along with our civilian volunteers, are dedicated public safety professionals who value the importance of public service and a duty to our citizens, communities, and visitors, by providing knowledgeable, responsible, respectful, caring, and professional service. The Montezuma County Sheriff's Office is expected to provide fair and equal enforcement of our laws in a respectful manner, proactive crime prevention, and many other public safety services through our Patrol Division, Detective Division, Detentions Division, Judicial Security, Pre-Trial Services, Records Division, and Administrative Services Section.

The Policy and Procedure Manual of the Montezuma County Sheriff's Office is designed to stay current with the ever changing laws, court rulings, and best public safety practices. "Predictable is Preventable" is a phrase we should never forget. Our agency policies are further designed to provide the public with information and assistance when needed, as well as provide a foundation of trust with those we are here to protect and serve.

Steven D. Nowlin, Sheriff
Montezuma County, Colorado

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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, 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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MISSION STATEMENT

The mission of the Montezuma County Sheriff's Office is to provide the highest professional level of dedicated public safety service to our citizens, communities, and visitors, as sworn to by our oath of office, by providing knowledgeable, responsible, caring, and protective service with unconditional respect. Our duty is to improve the quality of community life by enforcing the law, maintaining order, reducing fear of crime, creating a safe environment, and serving and protecting our citizens in a fair and objective manner while upholding their Constitutional rights.

Members of the Montezuma County Sheriff's Office are held to the highest standards by our citizens who have entrusted us with the authority by law to provide fair and equal enforcement of our laws in a respectful and professional manner, so as to ensure a safe environment for the daily freedoms that we hold, while building community partnerships.

The Montezuma County Sheriff's Office has embraced a guardian concept, in which a republic that honors the core of democracy—the greatest amount of authority is given to those called the Guardians. Only those with the most impeccable character are chosen to bear the responsibility of protecting the democracy. **GUARDIAN HEART—WARRIOR SPIRIT.**

The Vision and Goals of the Montezuma County Sheriff's Office are to become the most highly trained and respected law enforcement professionals to serve our community, citizens, and visitors.

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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 Montezuma County Sheriff's Office to perform their functions based on established legal authority.

100.2 PEACE OFFICER AUTHORITY

Certified members shall be considered peace officers pursuant to CRS § 16-2.5-101 through CRS § 16-2.5-148 and CRS § 24-7.5-103.

100.2.1 AUTHORITY WITHIN THE JURISDICTION OF MONTEZUMA COUNTY SHERIFF

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

1. When in compliance with an arrest warrant.
2. When any crime is being, or has been, committed in a peace officer’s presence.
3. When there is probable cause to believe that an offense was committed by the person to be arrested.

100.2.2 AUTHORITY OUTSIDE THE JURISDICTION OF MONTEZUMA COUNTY

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

1. (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 there is probable cause to arrest and the deputy has been in continuous fresh pursuit from within the jurisdiction of the Montezuma County Sheriff's Office (CRS § 16-3-106).

   (c) When the deputy has knowledge that an arrest warrant has been issued and the deputy has been in continuous fresh pursuit from within the jurisdiction of the Montezuma County Sheriff's Office (CRS § 16-3-106).

   (d) A deputy may pursue a person outside the jurisdiction of the Montezuma County Sheriff's Office and issue a citation when the person committed an offense in the deputy's presence within the jurisdiction of the Montezuma County Sheriff's Office (CRS § 16-3-106).

   (e) 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).

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

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(g) 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 pursuant to CRS § 29-1-206(1) as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

Peace officer powers may also be extended when a deputy enters another state in fresh pursuit of a felony subject or a fugitive from justice (CRS § 24-60-101, Arizona Revised Statutes § 13-3831, et seq., Kansas Statutes Annotated § 22-2404, Nebraska Revised Statutes § 29-416, New Mexico Code § 31-2-1, et seq., Oklahoma Statutes Annotated § 221, Utah Code § 77-9-1, et seq., and Wyoming Statutes Annotated § 7-2-106).

Any peace officer of another state who enters this state in fresh pursuit and continues within this state in fresh pursuit has the same authority to arrest and hold such person in custody as a peace officer of this state (CRS § 16-3-104(3)).

100.4 FEDERAL RESERVATIONS

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152, except in the following circumstances:

1. A crime was committed by an Indian against the person or property of another Indian.
2. An Indian who committed an offense has been punished by the local law of the tribe.
3. An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

A deputy of the Montezuma County Sheriff's Office has exclusive jurisdiction over a crime committed on Indian reservations by a non-Indian against another non-Indian absent treaty provisions to the contrary.

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 POLICY

It is the policy of the Montezuma 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.

102.2 POLICY

It is the policy of the Montezuma 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 MAINTENANCE OF RECORDS

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

102.4 OATH OF OFFICE

Prior to assuming the duties of a peace officer, all POST-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 (Colorado Constitution Article XII Section 8), and Colorado Revised Statute 30-10-504, 30-10-506, 16-2.5-103 and 16-2.5-110. The oath of office for all members further identified as "Deputy Sheriff-Certified" or "Deputy Sheriff-Non-Certified" shall be as follows:

I, (member name), do solemnly swear (or affirm) that I will support, protect, and defend the Constitution of the United States of America, and the Constitution of the State of Colorado, and that I will faithfully perform all the duties of the office of (applicable position or office), on which I am about to enter and to which I have been duly appointed; so help me God.

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Montezuma 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 that 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 Montezuma 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 its 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 Montezuma 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.

CFR - Code of Federal Regulations.

County - The County of Montezuma.

CRS -Colorado Revised Statues.

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Deputy - Those members, regardless of rank, who are POST-certified members of the Montezuma 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 Montezuma County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

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

Non-sworn - Members and volunteers who are not certified law enforcement officers.

Office/MCSO - The Montezuma 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 - A member 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 that may include 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; it 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 Division Lieutenant 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 to their Division Lieutenants, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Office is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 SHERIFF'S OFFICE POSITIONS - SPAN OF CONTROL

(a) The Sheriff: Chief Executive Officer of the Sheriff's Office and who has final responsibility for determining Sheriff's Office policies, procedures, rules, operational guidelines, and the execution thereof. The Sheriff directs activity through the Undersheriff and Division Supervisors.

(b) Undersheriff: Appointed by the Sheriff to serve as needed. Typically, is second in command of the Office and acts in place of the Sheriff when the Sheriff is unavailable.

(c) Division Supervisor: Subordinate to the Undersheriff and Sheriff, the Division Supervisor commands all activities within the scope of his/her assigned responsibility. It is permissible for the Division Supervisor to enact operational rules and regulations within his/her Divisions that do not conflict with the Sheriff's Office Policy and Procedures Manual.

(d) Other Positions: There are numerous other positions within the Sheriff's Office that may be filled by members of specific ranks or skills. Each position has jobs or tasks assigned to it.

200.2.1 AUTHORITY AND RESPONSIBILITY

The Sheriff delegates authority to each member of the Sheriff's Office to make the decisions necessary to effectively execute his/her duties and responsibilities. Members are held accountable for the use of this authority.

Responsibilities of each component of the Sheriff's Office are outlined in the Sheriff's Office policy manual and are available within each division, online, and in the administrative office of the Sheriff.

200.2.2 GENERAL DUTIES AND FUNCTIONS

Members enforce Colorado laws and statutes, directed to the Sheriff by the Constitution and laws of the United States and the Constitution and laws of the State of Colorado, and other proper judicial mandates, in a reasonable and prudent manner.

All members shall cooperate with and assist other units of municipal, county, state, and federal governments.

All members shall perform their duties as required or directed by law, Sheriff's Office written directives, policy, order, or by lawful order of a superior officer, including when said order is relayed from a superior to a subordinate by a member of the same or lesser rank.

All members are subject to emergency recall.

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The Sheriff, or Sheriff's designee, has the authority to assign any member to any division within the Office.

200.2.3 DUTIES OF THE SHERIFF INCLUDE THOSE MANDATED BY STATUTE

(a) (a) Deputies - Liability of the Sheriff: "Each sheriff may appoint as many deputies as the sheriff may think proper and may revoke such appointments at will; except that a sheriff shall adopt personnel policies, including policies for the review of revocation of appointments. Before revoking an appointment of a deputy, the Sheriff shall notify the deputy of the reason for the proposed revocation and shall give the deputy an opportunity to be heard by the Sheriff. Persons may also be deputized by the Sheriff or Undersheriff in writing to do particular acts." (CRS 30-10-506).

(b) Jail: "Except as provided in section 16-11-308.5, C.R.S., the Sheriff shall have charge and custody of the jails of the county, and of the prisoners in the jails, and shall supervise them himself or herself or through a deputy or jailer." (CRS 30-10-511).

(c) Fire Warden: "The Sheriff of every county, in addition to other duties, shall act as fire warden of his respective county in case of prairie or forest fires." (CRS 30-10-512, CRS 30-10-513, CRS 30-10-513.5).

(d) Duty to transport prisoners: "It is the duty of any sheriff transporting prisoners to a correctional facility, as defined in section 17-1-102, C.R.S., or other place of confinement to convey to such facility or other place of confinement at one time all prisoners who may have been convicted and sentenced and who are ready for such transportation." (CRS 30-10-514).

(e) Duty to serve writs, etc.: "The Sheriff, in person or by the Undersheriff or deputy, shall serve and execute, according to law, all processes, writs, precepts, and other orders issued or made by lawful authority and to the Sheriff directed, and shall serve the several courts of record held in the Sheriff's county." (CRS 30-10-515).

(f) Preserve the peace: "The Sheriff, Undersheriff, and deputies are responsible to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots, and unlawful assemblies and insurrections. For that purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they and every coroner, may call to their aid such person of their county as they may deem necessary." (CRS 30-10-516).

(g) Concealed handgun permits: "The Sheriff of each county and the official who has the duties of a sheriff in each city and county shall issue written permits to carry concealed handguns as provided in part 2 of article 12 of title 18, C.R.S." (CRS 30-10-523).

200.3 DIVISIONS

The Sheriff is responsible for administering and managing the Montezuma County Sheriff's Office. There are four divisions in the Sheriff's Office:

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- Administrative Services Division
- Patrol Division
- Detective Division
- Detention Division

200.3.1 ADMINISTRATIVE DIVISION
The Administrative Services Division is commanded by the assigned Division Supervisor whose primary responsibility is to provide general management, direction, and control for the Administrative Services Division, including management of the Office budget and the designation of the custodian of records. The Administrative Services consists of Records Services, Administrative Services, and Grants Services.

Annually, the Division Supervisor shall develop and submit to the Sheriff a budget and an inventory of capital property, equipment, and assets. Property, equipment, and assets with a beginning value of more than $5,000, and other items specifically identified for inclusion regardless of value, are capital property, equipment, and assets.

200.3.2 PATROL DIVISION
The Patrol Division is commanded by the assigned Division Lieutenant whose primary responsibility is to provide general management, direction, and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol and Special Operations, which includes General Patrol, Traffic, Agriculture, Sheriff's Reserve/Posse, Search and Rescue, and Mounted Patrol.

200.3.3 DETECTIVE DIVISION
The Detective Division is commanded by the assigned Division Lieutenant whose primary responsibility is to provide general management, direction, and control for the Detective Division. The Detective Division consists of the Detective Division, Crime Analysis Unit, Property and Evidence Section, and Forensic Services.

200.3.4 DETENTION DIVISION
The Detention Division is commanded by an assigned Division Captain or Lieutenant whose primary responsibility is to provide safety and security for the Montezuma County Detention Center, to include every inmate and Detention Division member. The Detention Division supervisor is also responsible for the transporting of inmates or prisoners to and from courtrooms and other facilities, courtroom security, ASP, and Detention Division inmate programs.

200.4 COMMAND PROTOCOL

200.4.1 SUCCESSION OF COMMAND
The Sheriff exercises command over all personnel in the Montezuma County Sheriff's Office. During planned absences the Sheriff will designate the Undersheriff, or in his/her absence or unavailability, a Division Lieutenant to act in the place of the Sheriff.

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Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

1. Undersheriff
2. Operations (Patrol/Detective) Division Supervisor
3. Detention Division Supervisor

200.4.2 UNITY OF COMMAND
The principles of unity of command ensure efficient supervision and control within the Office. Generally, each member shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., canine, SRT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.4.3 ORDERS
Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

200.4.4 UNLAWFUL AND CONFLICTING ORDERS
No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law, or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, office policy, or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

200.5 JOB DESCRIPTIONS AND CLASSIFICATIONS

The Montezuma County Sheriff’s Office maintains a written classification plan, which may be reviewed annually, and revised when necessary by the Sheriff. A classification plan is comprised of positions with similar duties, responsibilities, required knowledge, skills, and training. Not all job classifications or positions are listed within this policy manual.

200.5.1 UNDERSHERIFF
REPORTS TO: SHERIFF

JOB SUMMARY:

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Assists the Sheriff in planning, directing, and administering the operations and staff of the Sheriff's Office; assigns personnel to their positions, evaluates work performance, instructs in law enforcement methods, enforcing rules and regulations of the Sheriff's Office, and inspects all activities; ensures office operations are in compliance with local state and federal laws, with office practices and procedures, and with approval modern law enforcement methods.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Acts as a mentor for all command officers and assures their professional development. Provides a role model for all members through use of the Core Values and Mission Statement. Carries out supervisory responsibility in accordance with County policies, procedures, and applicable laws including: interviewing, hiring and training, planning, assigning and directing work, appraising performance, rewarding and disciplining members, addressing complaints, and resolving problems.

Directs activities and operation of line and staff division; supervises and evaluates the effectiveness of command officers.

Monitors aspects of the hiring process and participates in selection of officers for employment and promotion.

Commands major disaster, riot, and other emergency situations as directed.

Instructs subordinate officers in work assignments and procedures; interprets new laws, ordinances, rules, and regulations for subordinate officers.

Reviews, prepares, and provides recommendations on policies and directives.

Assists in preparation of the office budget; administers approval budget; monitors expenses; assists in preparing and drafting federal and state grants.

Performs public relations activities and responds to the media; receives, investigates, resolves, and responds to citizen complaints.

Attends meetings with public officials and citizens' groups to enhance public relations. Assumes command of the office during the absence of the Sheriff.

Performs other related duties as assigned and/or needed.

MATERIAL AND EQUIPMENT USED:

Motor vehicle, firearms, computer,general office equipment, police two-way radios

MINIMUM QUALIFICATION REQUIRED:

High school diploma or GED and;

Ten or more years of progressively responsible experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

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Colorado Peace Officer Certification.

Valid Colorado Driver License.

KNOWLEDGE OF:

Sound practices and methods employed in modern law enforcement and jail administration and ability to instruct others in their use.

All applicable state, federal, and local laws, rules, and regulations. Basic budgetary principles and practices.

Administrative principles and practices, including goal setting and program budget development and implementation.

Administration of staff and activities, either directly or through subordinate supervision. Computer applications related to the work.

SKILL IN:

Use and care of firearms and other police equipment.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Applying logical thinking to solve problems or accomplish tasks; to understand, interpret and communicate complicated policies, procedures, and protocols.

Communicating clearly and effectively, orally and in writing.

Planning and organizing, assigning, directing, reviewing and evaluating the work of staff. Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to supervise and participate in a wide variety of law enforcement work.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to react quickly and correctly in emergency, high stress situations.

Ability to read, analyze, and interpret professional periodicals and journals, technical procedures, and government regulations.

Ability to speak effectively before public groups and respond to questions.

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

While performing the essentials functions of this job the member is frequently required to sit, stand, walk, speak, hear, reach with hands and arms, and use hands to finger, handle, or feel.

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While performing the essential functions of this job the member is occasionally required to climb or balance, stoop, kneel, crouch, or crawl, and lift and/or move more than 100 pounds.

WORKING CONDITIONS:

Work is performed in a normal environment with some exposure to outdoor temperatures or dirt and dust.

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes or airborne particles, toxic or caustic chemicals, outdoor weather conditions, risk of electrical shock, and work with explosives.

Occasional exposure to work time to hazardous situations that involve armed or physically violent persons or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours, on-call, and/or shift times.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.2 DETENTION DIVISION LIEUTENANT

REPORTS TO: UNDERSHERIFF

JOB SUMMARY:

DEFINITION: Under general direction, supervises the corrections and administrative activities of the custody operations division within the Sheriff's Department; applies law enforcement techniques for effective jail operations; supervises division personnel; and performs related duties as required.

DISTINGUISHING CHARACTERISTICS: This is an upper management level position. Incumbents are expected to have advanced knowledge of departmental and general detention facility policies and procedures and extensive managerial and administrative ability. Incumbents will be required to carry a firearm on certain assignments, and to regularly qualify with firearms pursuant to department policy.

ESSENTIAL JOB FUNCTIONS:

Through subordinate personnel, manages the corrections and administrative activities of the custody division of the Sheriff's Department; directs Sheriff Correctional/Custody Lieutenants in

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the management of their assigned programs, operations, and staff; coordinates the work of the division with others in the department.

Evaluates operations, staffing, training, and recordkeeping systems; ensures adequacy, efficiency, and effectiveness of corrections and administrative operations; establishes resource priorities based on program needs.

Supervises, trains, evaluates, and disciplines staff.

Plans, implements, interprets, and enforces corrections and administrative policies and procedures; reviews the work of the division to ensure that activities are conducted in conformance with the law, departmental rules, and regulations.

Develops strategic plans related to care and custody of prisoners.

Administers, controls, and monitors budget for division; prepares budget requests; prepares fiscal and statistical reports.

Writes reports and orders; issues verbal and written directives for division policies and procedures and actions; corresponds with the public and other agencies.

Supervises the operation of a detention facility; interviews and recommends hiring of staff.

Plans, schedules, and assigns work to staff; establishes priorities; instructs and trains in correct methods.

Checks and approves work, overtime, time sheets, and sick/vacation leave; reviews and evaluates member performance.

Inspects and monitors subordinates' work to ensure operations are in compliance with local, state, and federal laws, and departmental policies and procedures; implements member disciplinary actions when needed.

Responds to emergencies and/or incidents that occur within the detention setting such as violent inmates, medical emergencies, disturbances, malfunctioning of security devices, etc.; evaluates the incident and decides method of resolution; determines level of force necessary to maintain control.

Researches required standards for detention operations and maintains awareness of changing requirements as set by court decisions; utilized same information to develop policy drafts within the parameters that will most efficiently and effectively accomplish the facility's goals.

Identifies potential problems that develop within the facility and prepares recommendations for action to resolve the issue before it becomes critical.

Performs public relations activities and ensures accurate dissemination of information; responds to questions, requests for services and citizens’ complaints.

Researches and develops recommendations for equipment and supplies; prepares and presents annual budget for approval.

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Teaches and evaluates new detention personnel classes; maintains regular in-service training for existing personnel including changes in procedures or laws, and new concepts and skills; trains subordinates' supervisors for preparation for advancement.

Ensures the proper use of equipment, security devices, and other property of the facility; ensures proper key control procedures are followed.

Ensures the proper accounting of inmates are conducted according to facility procedures; ensures that a tour and inspection of both facilities is conducted daily to enforce the highest level of security/ sanitation and general wellbeing.

Ensures the accuracy, completeness, and legibility of reports and facility paperwork.

Ensures the quality, quantity, temperature, and sanitary service of food served is in accordance with facility standards.

Performs other related duties as assigned.

MATERIALS AND EQUIPMENT USED:

General office equipment, camera equipment, stun gun, vehicle two-way radio, control board, handcuffs and leg irons, firearms,handheld metal detector,computer.

MINIMUM QUALIFICATIONS:

High school diploma or GED; and,

Five years of progressively responsible related experience, including four years supervisory experience in a related field; or

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Correctional Management Certification.

KNOWLEDGE OF:

The principles and practices of detention management.

The laws and procedures relevant to the apprehension and custody of prisoners.

Security of buildings and grounds, and of the rules and regulations governing entrances and exits. Physical and emotional needs and problems of inmates.

Health and safety practices in dealing with inmates and detention facility. Methods and techniques of evaluating and reporting behavior problems.

Recordkeeping, reporting preparation, filing methods and record management techniques. Administration of staff and activities, either directly or through subordinate supervision. Basic budgetary principles and practices.

Computer applications related to the work.

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SKILL IN:

Using tact, discretion, initiative, and independent judgment within established guidelines.

Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, assigning, directing, reviewing, and evaluating the work of staff. Selecting and motivating staff and providing for their training and professional development. Preparing clear and concise reports, correspondence, and other written material.

MENTAL AND PHYSICAL ABILITIES:

Ability to deal courteously and fairly with the inmates of the facility and the general public. Ability to analyze situations and take the necessary actions to bring a situation to a satisfactory conclusion.

Ability to understand and follow oral and written instructions and to prepare clear and concise reports.

Ability to detect and report conditions that might indicate danger.

Ability to establish and maintain effective working relationships with inmates, other staff members, and the public.

Ability to act quickly and calmly in an emergency.

Ability to communicate courteously and effectively with associates and the general public. Ability to obtain information through interview, interrogation, and observation.

Ability to follow written or oral instructions, and to prepare clear and concise reports. Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over, across, ascend, or descend large obstacles.

Ability to pursue inmates on foot for a sustained period while bearing duty equipment. Ability to subdue inmates in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper and lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry large objects or persons, move heavy equipment, rescue individuals, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is frequently required to stand, walk, reach with hands and arms, stoop, kneel, crouch, crawl, speak,hear, and lift and/or move more than 100 pounds.

Ability to physically restrain uncooperative inmates.

WORKING CONDITIONS:

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While performing the essential function of this position the member is occasionally exposed to outdoor weather conditions.

Exposure to potentially hazardous situations that involve physically violent persons, or interviewing mentally or emotionally disturbed persons.

The incumbent's working conditions are typically moderately quiet.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

ADDITIONAL REQUIREMENTS:

U.S. Citizenship or permanent resident alien who is eligible for and has applied for citizenship.

Desirable Qualifications: Academic course work in closely related subjects such as criminal justice, law enforcement, psychology, and sociology that directly relates to the required knowledge and abilities listed is desirable. Successful completion of education or course work comparable to the National Institute of Correction Jail Management Course or a course of Training in Corrections is highly desirable.

Knowledge of: Principles and practices of correction management including care, detention, and release of prisoners, modern institutional facility management practices; state and constitutional laws and regulations affecting the operations of a corrections facility; correctional facility procedures; public personnel management and supervisory principles and practices including public safety practices and employee relations; strategic planning methods and tools; and principles and practices of budget administration.

Ability to direct a large, complex organization; ability to delegate responsibility and authority to others; act decisively in emergency situations and adopt a proper course of action; consider the costs and benefits of potential actions in order to choose the most appropriate one; analyze data or information in order to reach appropriate solutions, conclusions, or approaches to problems; analyze and organize factual material and controversial issues for oral and written presentations; and communicate effectively in writing and orally.

200.5.3 PATROL DIVISION SUPERVISOR - LIEUTENANT

REPORTS TO: UNDERSHERIFF

JOB SUMMARY:

Performs technical and supervisory work in the areas of criminal investigation, airport security, animal control, and related areas; civil process, writs, and bench warrants; supervises Deputy Sheriffs and Patrol Sergeants in the performance of their assignments.

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ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Carries out supervisory responsibility in accordance with office policies, procedures and applicable laws including: interviewing, hiring and training, planning, assigning and directing work; appraising performance; rewarding and disciplining members; addressing complaints and resolving problems. Acts as a mentor for all Sergeants and assures their professional development. Provides a role model for all members through use of the Core Values and Mission Statement.

Maintains comprehensive knowledge of the office rules and regulations, policies, and guidelines to ensure assigned personnel comply.

Communicates information to subordinates in such a manner as to be easily understood; communicates verbally and in written form to superior officers' matters, which affect the operation of the office, or the community at large.

Assumes command of law enforcement activities at the scene of crimes, search and rescue, or other major emergencies or as directed.

Prepares, reviews, and implements approved policies and procedures regarding area of assignment within the office.

Inspects Sergeants and their equipment to ensure proper maintenance and serviceability of uniforms, weapons, and equipment; advises officers on known hazards and dangerous situations. Supervises DARE, SRO officer, and related programs.

Answers officers' questions regarding law, procedures, case classification and how it is applied to given situations; reviews officers' reports to ensure they are complete and accurate.

May assume additional supervisory and administrative duties in the absence of other staff.

Performs other related duties as assigned and/or needed.

MATERIAL AND EQUIPMENT USED:

Personal computers, motor vehicle, firearms, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Five years of progressively responsible related experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Colorado Peace Officer Certificate.

KNOWLEDGE OF:

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Local, state, and federal laws, and County ordinances and resolutions, and the procedures relating to the Criminal Justice System.

Law enforcement techniques with particular reference to the apprehension, arrest, and prosecution of persons committing misdemeanors and felonies, including rules of evidence in criminal cases and the elements of felony and misdemeanor offenses.

Three Years Administration/Supervision of staff and activities, either directly or through subordinate supervision.

The organization, functions, responsibilities, procedures, and rules and regulations of the Sheriff's Office.

The state criminal code and of legal terminology and court procedures.

Recordkeeping, report preparation, filing methods, and records management techniques.

Computer applications related to the work.

SKILL IN:

The use of firearms and all assigned equipment utilized in the performance of the essential functions of the position.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, assigning, directing, reviewing, and evaluating the work of staff. Selecting and motivating staff and providing for their training and professional development. Communicating clearly and effectively, orally, and in writing.

Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present, and interpret complex reports.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to express ideas clearly and concisely orally and in writing.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to work under adverse conditions of violence, danger, and emotional stress.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

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Ability to use and care for firearms and other police equipment. Ability to mediate disputes between diverse groups of people.

Ability to be articulate while testifying in court or other legal proceedings.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram or schedule form.

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.

Ability to define problems, collect data, establish facts and draw valid conclusions. Ability to obtain information through interview, interrogation, and observation.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards

While performing the essential functions of this job the member is frequently required to stand, walk, sit, speak, hear, and use hands to finger, handle, or feel.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

Work is performed in a normal environment with some exposure to outdoor temperatures or dirt and dust.

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, risk of electrical shock, and work with explosives.

Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life threatening situations such as armed and/or violent arrestees.

Occasional exposure of work time to hazardous situations that involve armed or physically violent persons, or interviewing mentally or emotionally disturbed persons.

While performing the essential functions of this job the member is occasionally required to climb or balance, stoop, kneel, crouch, or crawl, and lift and/or move more than 100 pounds.

Working time may require irregular hours, on-call, and/or shift times.

The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-

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related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.4 DETECTIVE DIVISION SUPERVISOR - LIEUTENANT
REPORTS TO: UNDERSHERIFF

JOB SUMMARY:

Performs technical and supervisory work in the areas of criminal investigation. Performs specialized law enforcement work in the investigation of crimes, narcotics trafficking, and related law enforcement problems. Supervises Detectives and Evidence Section in the performance of their assignments.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Acts as a mentor for all detectives and assures their professional development. Provides a role model for all detectives through use of the Core Values and Mission Statement.

Carries out supervisory responsibility in accordance with Montezuma County Sheriff's Office policy and procedures and applicable laws including: interviewing, hiring, planning, assigning and directing work; appraising performance; rewarding and disciplining members; addressing complaints and resolving problems.

Maintains comprehensive knowledge of the office rules and regulations, policies, and guidelines to ensure assigned personnel comply.

Communicates information to subordinates in such a manner as to be easily understood; communicates verbally and in written form to superior officers' matters that affect the operation of the office or the community at large.

Assumes command of law enforcement activities at the scene of crimes, search and rescue, or other major emergencies or as directed.

Prepares, reviews, and implements approved policies and procedures regarding area of assignment within the office.

Inspects officers and their equipment to ensure proper maintenance and serviceability of uniforms, weapons, vehicles, and equipment; advises officers on known hazards and dangerous situations.

Answers detectives' questions regarding law, procedures, case classification and how it is applied to given situations; reviews detectives' reports to ensure they are complete and accurate.

May assume additional supervisory and administrative duties in the absence of other staff.

Responds to, supervises, and investigates major crimes and participates in related law enforcement activities.

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Collects and disseminates information necessary for an arrest; interviews victims to obtain facts of crimes; interviews witnesses to obtain statements to substantiate occurrences.

Prepares affidavits outlining complete details of the incident; researches suspects utilizing computers, informants, and family of suspects; prepares affidavits for search warrants, non-testimonial evidence, court orders according to state statutes, and reviews reports.

Provides court testimony on cases investigated, first appearances, defendant arraignment, detention hearings, jury and non-jury trials and sentencing; prepares cases for court including preparing affidavits and witness lists, preparing crime reports and assisting the District Attorney's office before and after the trial.

Attends and participates in community organizations.

Conducts routine patrol deputy duties when assigned (see job description and requirements for patrol deputy).

Performs other related duties as assigned and/or needed.

MATERIAL AND EQUIPMENT USED:

Personal computers, electronic surveillance equipment, motor vehicle, firearms, photographic equipment, audio-visual equipment, communication equipment, evidence collection equipment, restraint equipment, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Five years of progressively responsible related experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Colorado Peace Officer Certification.

KNOWLEDGE OF:

Local, state, and federal laws, and County ordinances and resolutions, and the procedures relating to the Criminal Justice System.

Law enforcement and investigative techniques with particular reference to the apprehension, arrest, and prosecution of persons committing misdemeanors and felonies, including rules of evidence in criminal cases and the elements of felony and misdemeanor offenses, evidence and forensic collection and preservation procedures.

Administration of staff and activities, either directly or through subordinate supervision.

The organization, functions, responsibilities, procedures, and rules and regulations of the Sheriff's Office.

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The state criminal code and of legal terminology and court procedures.

Computer applications related to the work.

SKILL IN:

The use of firearms and all assigned equipment utilized in the performance of the essential functions of the position.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, assigning, directing, reviewing, and evaluating the work of staff. Communicating clearly and effectively, orally and in writing.

Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present, and interpret complex reports.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to express ideas clearly and concisely orally and in writing.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to work under adverse conditions of violence, danger, and emotional stress.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

Ability to use and care for firearms and other police equipment. Ability to mediate disputes between diverse groups of people.

Ability to be articulate while testifying in court or other legal proceedings.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram, or schedule form. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to obtain information through interview, interrogation, and observation.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

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Ability to use physical strength of arms and legs to climb up and over or to jump over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment.

Ability to subdue suspects in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper or lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, to push vehicles from roadway, move heavy equipment, rescue individuals, restrain suspects or victims, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, speak, hear, and use hands to finger, handle, or feel.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, and work with explosives.

Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life threatening situations such as armed and/or violent arrestees.

Occasional exposure of work time to hazardous situationsthat involve armed or physically violent persons or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours and shift times.

The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.5 ADMINISTRATIVE AND GRANT DIVISION SUPERVISOR

REPORTS TO: SHERIFF

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JOB SUMMARY:

Ensures office operations and financial reporting are in compliance with local, state, and federal laws; agency and County policy. Maintains overall accountability of records and accounts payable. Responsible for supervising the daily activities of the Sheriff's Office Administration Division, to include members in the Records Section, Civil Processing and Front Office.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Approves vacation, sick leave, schedules work shifts and requested time off, work schedule adjustments for each member within the Administration Division.

Reviews and approves all Administration Division member timesheets.

Evaluate Administration Division members every six months.

Human Resource Director for the agency and Assists with human resource tasks.

Prepares and oversees worker comp claims and FMLA for the agency.

Oversees agency finance and accounts payable; maintains Office personnel and medical files; maintains records of agency finances and budgets.

Oversees Sheriff Office credit cards, purchase verifications, and billing.

Assists with the development, prepares, and presents Office Grants to the Sheriff, and oversees designated members who are assigned to the Grant projects.

Assists the Sheriff and Undersheriff with making appointments, writing correspondence, agency programs, calling, and filing.

Attend Command Staff Meetings, take minutes, compile report and email.

Orders uniforms and equipment.

Answers phone and takes messages on incoming calls, assists the public, customer service.

Helps and covers front office Administrative Assistants as necessary.

Conducts fingerprinting for concealed weapon permits and court ordered fingerprints.

Conducts deposits with the banks, verifies bank accounts monthly.

Orders supplies for all agency use and maintain inventory.

Makes reservations for training schools and boarding for all Sheriff's Office members.

Writes checks and supervises financial accounts/records/reports.

Keeps Detention Center and Sheriff's Office checkbooks up to date.

Enters uniform purchases under each members inventory.

Enters all vehicle purchases and maintenance in computer.

Reports and documents for D.A and Courts.

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Prepares personnel and medical files for all new members; sends member information to POST.

Set up County Admin appointments for new hires.

Handles verification of employment inquires.

Maintains office safe.

Issues receipts for Jail Bond, Work Release, Home Detention, and any VIN Inspection.

Oversees all receipts in computer under Treasurer's Report.

Daily entry and balancing of treasurer report to be submitted to the Treasurer Office at the end of each month.

Writes checks for any cash bonds and forwards them as appropriate through the mail.

Oversees incoming and outgoing mail, codes bills to proper line items. Enters into agency computer financial software.

Oversees Administrative Office Equipment and schedules maintenance and repair work.

Writes receipts for any incoming funds.

Acts as liaison with other agencies.

Counts and balances all incoming money with receipts and computer.

Manages Office Grants for reporting.

Prepares and maintains Dolores monthly report and submits to the Sheriff and Town Clerk.

Maintains County monthly report. Copies to Sheriff and files.

Manages, review and scan daily invoices/bills in computer within County Sheriff's Office budgets and submits to County Finance.

Manages agency expenditures according to line item in Sheriff's Office budgets.

MATERIAL AND EQUIPMENT USED:

Personal computers, motor vehicle, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Five years of progressively responsible clerical and office related experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

KNOWLEDGE OF:

Administration of staff and activities.

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The organization, functions, responsibilities, procedures, and rules and regulations of the Sheriff's Office.

Human Resource and Employment Law; financial recordkeeping.

Recordkeeping, report preparation, filing methods, and records management techniques.

Computer programs, software and applications related to the work.

Member performance evaluations.

Office management procedures.

SKILL IN:

Demonstrated skills in employee supervision and human resources administration with familiarity of local, state, and federal regulations.

All assigned equipment utilized in the performance of the essential functions of the position.

Knowledge of agency processes, protocols, and procedures with a focus on budgets and grants.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Interpersonal communication skills to include verbal and written, active listening, critical thinking, advising and counseling skills, and ability to effectively motivate others.

Applying critical and logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, and reviewing work of staff. Communicating clearly and effectively both orally and in writing.

Preparing clear and concise reports, correspondence, and other written materials.

Ability to quickly evaluate complex issues and identify solutions.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present, and interpret complex reports.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to express ideas clearly and concisely orally and in writing.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, policy and procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram, or schedule form.

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Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, speak, hear, and use hands to finger, handle, or feel.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, and outdoor weather conditions.

Exposure to unknown and dangerous conditions such as intoxicated or violent individuals who enter the Sheriff's Office.

Working time may require irregular hours and shift times.

The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.6 RECORDS SECTION

The Records Section Manager and members are supervised by the Administrative Division Supervisor.

JOB SUMMARY:

Ensures records are in compliance with local, state, and federal laws and agency policy. Maintains overall accountability of records including criminal justice reports and their dissemination to appropriate agencies and persons. Oversees the agency NCIC/CCIC/CJIS system.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Complete local background checks for walk-in and mail-in requests.

Verify reports are approved and contain supportive documents.

Disseminate reports / summons to required or requesting agencies.

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Redact suspect juveniles and any identifying information as needed for release.

Complete summons entries into records management system.

Maintain report return spreadsheet.

Review all folders at year's end to verify completion.

Verify retention or release of the vehicle at tow yard.

Complete tow forms and requests through the state website.

Send certified letters to all known persons.

Complete new and re-registrations – including fingerprints, photos, and all necessary forms of sex offenders.

Update sex offenders in ITI, CCIC registry, and Sex Offender Log.

Perform follow-up and verification of sex offender registrations when moving in or out of Montezuma County.

Notify and work with deputies on failure to register or failure to comply sex offenders.

Review sex offender website.

Act as Coordinator / Supervisor for MCSO to The CBI.

Set up / cancel / test users for MCSO in the CCIC/NCIC system.

Double-check and validate all work product.

Provide annual CCIC/NCIC criminal history on all members.

Learn and apply all aspects in the CCIC/NCIC systems to include but not limited to – ENTRIES – CANCELLATIONS – VALIDATIONS.

Enter protection order updates / service.

Research and modify all felony and domestic violence warrants.

Enter all aspects of NIBRS information into CCIC.

Complete monthly Regional Report for Social Security Administration Prisoner Information.

Complete weekly press reports & releases – including redacting.

Complete photo requests and releases.

Update Office website and social media. Serves as PIO for Office website and social media.

Complete court-ordered fingerprints and photo files.

Ensure Court & CBI Disposition matching for criminal rap sheets and also corrections to criminal rap sheets.

Complete liquor license processing.

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Complete Annual Statistics for all aspects of the Records Division.

Complete Most Wanted updates for website.

Run query and emailing of all active cases for patrol.

Assist in front office duties (when needed):

(a) Receive and receipt money (make change)

(b) Customer service

(c) Occasional bank deposit runs

(d) Acceptcivil and concealed weapon paperwork

(e) Completepublic and court-ordered fingerprinting

(f) Enter commissary orders

(g) Answer phone and take messages on incoming calls

(h) Fingerprint for concealed weapon permits and liquor licenses

(i) Conducts deposits with the banks as assigned

(j) Issue receipts as necessary

(k) Act as liaison with other agencies

MATERIAL AND EQUIPMENT USED:

Personal computers, motor vehicle, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Five years of progressively responsible clerical and office related experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

KNOWLEDGE OF:

Administration of staff and activities.

The organization, functions, responsibilities, procedures, and rules and regulations of the Sheriff's Office.

Human Resource and Employment Law; financial recordkeeping.

Recordkeeping, records retention procedures, report preparation, filing methods, and records management techniques.

Computer applications related to the work.

SKILL IN:

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All assigned equipment utilized in the performance of the essential functions of the position.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Applying critical and logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, and reviewing work of staff. Communicating clearly and effectively both orally and in writing.

Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present, and interpret complex reports.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to express ideas clearly and concisely orally and in writing.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram, or schedule form.

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, speak, hear, and use hands to finger, handle, or feel.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, and outdoor weather conditions.

Exposure to unknown and dangerous conditions such as intoxicated or violent individuals who enter the Sheriff’s Office.

Working time may require irregular hours and shift times.

The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

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200.5.7 PATROL SERGEANT
REPORTS TO: PATROL LIEUTENANT

JOB SUMMARY:

Performs technical and supervisory work in the areas of criminal investigation, evidence collection and analysis, traffic laws, court house security, prisoner transportation, civil process, writs, bench warrants, and shift supervision; assists officers on a full range of calls to which they respond, investigates crimes and collects evidence, supervises Deputy Sheriffs in the performance of their assignments.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Acts as a mentor for all patrol deputies and assures their professional development. Provides a role model for all patrol deputies through use of the Core Values and Mission Statement. Supervises the work of assigned personnel; plans, schedules and assigns work to staff; approves overtime and sick/vacation leave; establishes priorities; instructs and trains in correct methods; checks and approves work; reviews and evaluates member performance; implements disciplinary action as needed.

Supervises officers responding to major crime scenes, disturbances, and major accidents; supervises planning and execution of search warrants; supervises or assists in the search and investigation of missing or injured persons in the County, investigates narcotic cases and criminal investigations.

Ensures officers are in compliance with all local, state, and federal laws, office rules and regulations, policies and guidelines, and orders; investigates and recommends disciplinary action for officers in violation; prepares letters recommending commendation, medals, etc. for officers who perform in an outstanding manner.

Serves as liaison with external agencies; provides information and assistance to visitors and promotes favorable public relations between the County and the public.

Ensures that civil papers are served throughout the County including: summons, notice of levy, and seizure of property, executions on property and equipment, and all civil process; assists in the civil process and assists the civil division.

Monitors the service of criminal and civil warrants on both felony and misdemeanor suspects; ensures misdemeanor and felony warrants are on file and current.

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Inspects deputies and their equipment to ensure proper maintenance and serviceability of uniforms, weapons, vehicles, and equipment; advises officers on known hazards and dangerous situations.

Answers officers' questions regarding law, procedures, case classification and how it is applied to given situations; reviews officers' reports to ensure they are complete and accurate.

Responds to calls to assist officers and observe/evaluate their performance in various situations; responds to locations of critical situations, takes command of the scene when necessary, evaluates the situation, determines tasks needed, assigns officers to perform each task and ensure the situation is handled properly and efficiently; prepares necessary documentation after the incident.

Notifies select personnel (i.e. superiors, Coroner, District Attorney, etc.) of special situations requiring their expertise; may coordinate interdepartmental investigations with other agencies within the criminal justice system.

Studies and maintains working knowledge of department rules and regulations, and standard operating guidelines, local, state, and federal laws along with court decisions that might affect the day-to-day operations of the office and enforcement of the law.

Conducts periodic counseling of individual officers to correct minor problems, critiques performance, and provides suggestions to help the officer improve his/her performance.

Receives citizen complaints regarding officer misconduct and investigates the incident to find the complaint either unfounded or refers complainant to supervisor for further investigation.

Attends supervisory meetings and meetings with other agencies; discusses office policy and guidelines and resolves operational and personnel problems; conducts officer meetings for the same.

May assume additional supervisory and administrative duties in the absence of other staff.

Performs other related duties as assigned and/or needed.

MATERIAL AND EQUIPMENT USED:

Photographic equipment, audio-visual equipment, communication equipment, restraint equipment, general office equipment, crime scene equipment, personal computers, electronic surveillance equipment, motor vehicle, firearms, ect.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and has completed probationary time with this office.

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Colorado Peace Officer Certification.

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KNOWLEDGE OF:

Local, state, and federal laws, and County ordinances and resolutions, and the procedures relating to the Criminal Justice System.

Law enforcement techniques with particular reference to the apprehension, arrest, and prosecution of persons committing misdemeanors and felonies, including rules of evidence in criminal cases and the elements of felony and misdemeanor offenses.

Administration of staff and activities, either directly or through subordinate supervision.

The organization, functions, responsibilities, guidelines, and rules and regulations of the Sheriff's Office.

The state criminal code and of legal terminology and court procedures.

Recordkeeping, report preparation, filing methods and records management techniques.

Computer applications related to the work.

SKILL IN:

Use of firearms and all assigned equipment utilized in the performance of the essential functions of the position.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Planning, organizing, assigning, directing, communication skills, reviewing, and evaluating the work of staff. Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Communicating clearly and effectively, orally and in writing.

Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present, and interpret complex reports.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to express ideas clearly and concisely orally and in writing.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to work under adverse conditions of violence, danger, and emotional stress.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

Ability to use and care for firearms and other police equipment.

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Ability to mediate disputes among diverse groups of people.

Ability to be articulate while testifying in court or other legal proceedings.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram, or schedule form.

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to obtain information through interview, interrogation, and observation.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over or to jump over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment. Ability to subdue suspects in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper or lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, to push vehicles from roadway, move heavy equipment, rescue individuals, restrain suspects or victims, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, speak, hear, and use hands to finger, handle, or feel.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, and work with explosives.

Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life threatening situations such as armed and/or violent arrestees.

Occasional exposure of work time to hazardous situations that involve armed or physically violent persons, or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours and shift times.

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The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

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200.5.8 PATROL DEPUTY
REPORTS TO: PATROL SERGEANT

JOB SUMMARY:

Patrols County areas, enforcing the law and protecting life and property; performs investigations at the scene of a crime and performs related follow-up duties; investigates and apprehends persons charged by warrant or subpoena; serves civil process; provides courtroom security.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Patrols County roads, as well as residential areas to provide a visible deterrent in uniform and in marked cars and to enforce laws and protect life and property; identifies traffic hazards; monitors industrial and residential areas for signs of any criminal activity; patrols for suspicious persons or vehicles; performs community policing and crime prevention.

Detects impaired drivers and performs sobriety evaluations, i.e., Horizontal Gaze Nystagmus Evaluation, Walk and Turn Evaluation, One Legged Stand Evaluation, Preliminary Breath Test Evaluation, as well as general observation of DUI suspects' speech, appearance, comprehension of instructions and performance; books DUI suspects and completes all related reports and records.

Checks building doors, windows, gates, and fences to ensure building is secured; reports any buildings, vehicles, or equipment that is not secured; ensures the safety and wellbeing of all members on duty; learns members' working patterns and alerts them to possible suspects and crime prevention.

Responds to calls for assistance and complaints of crimes (burglaries, sexual assault, domestic violence, etc.); enforces state statute by performing warrants, felony, or misdemeanor arrest; implements physical confrontation when necessary.

Secures and protects crime scenes by establishing boundaries; detaining victims, suspects, and witnesses; locating and identifying evidence and briefing supervisors/investigators upon their arrival; preserving and collecting evidence using proper methods; maintaining the chain of custody of all evidence secured.

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Interviews and interrogates narcotic trafficking suspects; inputs intelligence information into the computer.

Responds to special assignments, such as search and rescue, natural disasters as directed by supervisor.

Maintains a working knowledge of all traffic laws; enforces traffic laws through the issuance of traffic summons and warnings, and arresting individuals in violation of the law such as DUI, and speeding and traffic control device violation when necessary.

Prepares and maintains a wide variety of departmental records and reports in compliance with departmental policies and procedures; prepares and files written and taped case reports outlining complete information regarding each case.

Assists in search and rescue operations for missing and overdue persons, motorists, and aircraft; assists in manhunts for dangerous criminals and completes reports when appropriate. Serves criminal and civil warrants; assists in evacuations.

Researches and studies departmental policies and procedures, state statutes, and maps to maintain awareness of current events and changes in law enforcement.

Augments prisoner escorts and transport as required.

Maintains courtroom security to include: magnetically scanning all persons entering the courtroom, checking all hand-carried items, ensuring that all persons are directed to the proper courtroom, monitoring security status of all doors, taking into custody all persons remanded to jail by the court, responding to calls for assistance from throughout the courthouse, fingerprinting all persons as directed by the courts or probation department.

Researches and routes paperwork for concealed weapon permits.

Maintains and cleans assigned uniform, vehicle, and equipment and maintains personal hygiene in accordance with departmental policy and procedures.

Maintains availability for court appearance and testimony, assists the District Attorney's office in preparing presentation of testimony and/or evidence; responds to subpoena by attending court trials and providing court testimony as required.

Assists other emergency response agencies in emergency situations.

Assists in gathering physical evidence, taking photographs, and investigating various crime scenes; also assists in serving search warrants when requested.

Develops, implements, and coordinates Drug Abuse Resistance Education programs for school children in kindergarten to seventh grade including: preparing lessons and presenting to each class, maintaining statistics on attendance and subjects taught, presiding at parent night, organizing and coordinating graduation program, meeting regularly with school officials to ensure communication and cooperation.

Prepares and presents school resource safety classes as requested.

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Performs other related duties and assigned.

MATERIAL AND EQUIPMENT USED:

Motor vehicle, personal computer, two-way radio, general office equipment, firearms, restraint equipment, camera(s), traffic radar, intoxilizer.

MINIMUM QUALIFICATIONS REQUIRED:

Age 21 years (at date of hire)

High school diploma or GED; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Colorado Peace Officer Certification.

Current First Aid and CPR certificate.

KNOWLEDGE OF:

Local, state, and federal laws, and County ordinances and resolutions, and the procedures relating to the Criminal Justice System.

Law enforcement techniques with particular reference to the apprehension, arrest, and prosecution of persons committing misdemeanors and felonies, including rules of evidence in criminal cases and the elements of felony and misdemeanor offenses.

The organization, functions, responsibilities, procedures, and rules and regulations of the Sheriff's Office.

The state criminal code, rules of criminal procedure, legal terminology, and court procedures.

Recordkeeping, report preparation, filing methods, and records management techniques.

Lesson plan preparation and teaching techniques for primary education. Health and safety practices.

Computer applications related to the work.

SKILL IN:

Use of firearms and all assigned equipment utilized in the performance of the essential functions of the position.

Using tact, discretion, initiative, and independent judgment within established guidelines.

Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Communicating clearly and effectively, orally and in writing.

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Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present, and interpret complex reports.

Ability to establish and maintain effective working relationships with a variety of individuals. Ability to express ideas clearly and concisely orally and in writing.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to work under adverse conditions of violence, danger, and emotional stress.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

Ability to use and care for firearms and other police equipment. Ability to mediate disputes among diverse groups of people.

Ability to be articulate while testifying in court or other legal proceedings.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram, or schedule form.

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over or to jump over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment. Ability to subdue suspects in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper or lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, to push vehicles from roadway, move heavy equipment, rescue individuals, restrain suspects or victims, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

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While performing the essential functions of this position the employee is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, and work with explosives.

Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life threatening situations such as armed and/or violent arrestees.

Occasional exposure of work time to hazardous situations that involve armed or physically violent persons, or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours and shift times.

The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.9 DETECTIVE
REPORTS TO: DETECTIVE LIEUTENANT

JOB SUMMARY:

Performs specialized law enforcement work in the investigation of crimes, narcotics trafficking, and related law enforcement problems.

ESSENTIAL JOB FUNCTIONS: (All responsibilities may not be performed by all incumbents.)

Responds to, oversees, and investigates major crimes and participates in related law enforcement activities; attends the scenes of crime to search for and preserve forensic and physical evidence; gathers crime scene information by taking photos, video, and measurements, retrieving fingerprints, drawing diagrams, and attending autopsy.

Collects and disseminates information necessary for an arrest; interviews victims to obtain facts of crimes; interviews witnesses to obtain statements to substantiate occurrences; interviews suspects after mirandizing and obtaining personal history.

Searches for, apprehends, and arrests suspects.

Prepares affidavits for arrest and search warrants, outlining complete details of the incident; researches suspects utilizing computers, informants and family of suspects; prepares affidavits for search warrants, non-testimonial evidence, court orders according to state statutes, and reviews reports.

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Provides court testimony on cases investigated, first appearances, defendant arraignment, detention hearings, jury and non-jury trials and sentencing; prepares cases for court including preparing affidavits and witness lists, preparing crime reports and assisting the District Attorney's office before and after the trial.

Attends and participates in community organizations.

Conducts routine patrol deputy duties when assigned (see job description and requirements for patrol deputy)

Performs other duties as assigned and/or needed.

MATERIAL AND EQUIPMENT USED:

General office equipment, photographic equipment, electronic surveillance equipment, evidence collection equipment, motor vehicle, audio-visual equipment, communication equipment, firearms, computers.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Three years of progressively responsible law enforcement related experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Colorado Peace Officer Certification.

KNOWLEDGE OF:

Office guidelines, rules, regulations, and of the limitations on office authority. Practices and methods of criminal investigation and identification.

Geography of the County.

All applicable state, federal, and local laws, rules and regulations.

Pertinent federal and state laws and County ordinances with particular reference to apprehension, arrest, admissible evidence, and the prosecution of persons.

Computer applications related to the work.

SKILL IN:

The use and care of firearms and in the use of such other regular and special equipment as may be assigned.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

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Preparing clear and concise reports, correspondence, and other written materials. Testifying effectively in court.

MENTAL AND PHYSICAL ABILITIES:

Ability to deal courteously and fairly with the general public.

Ability to analyze situations and take quick, effective, and reasonable courses of action, giving due regard to the surrounding hazards and circumstances of each situation.

Ability to understand and follow written and oral instructions. Ability to write clear and comprehensive reports.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

Ability to understand and operate two-way communication equipment.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over or to jump over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment. Ability to subdue suspects in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper or lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, to push vehicles from roadway, move heavy equipment, rescue individuals, restrain suspects or victims, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, use hands to finger, handle, or feel, reach with hands and arms, climb or balance, stoop, kneel, crouch, or crawl, and speak and hear.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, and work with explosives.

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Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life threatening situations such as armed and/or violent arrestees.

Occasional exposure of work time to hazardous situations that involve armed or physically violent persons, or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours, on-call status, and/or shift times.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.10 COURT SECURITY DEPUTY
REPORTS TO: Criminal Justice Section SERGEANT

JOB SUMMARY:

The security and safety of everyone who occupies the Combined Court building and its surrounding area is a constant goal of the Montezuma County Sheriff’s Office, so that every form of business at hand may continue, unencumbered, and that the public may be served and protected to the highest extent. To ensure the safety of everyone, certain safety measures are installed and practiced. It will be the responsibility of the assigned court security deputy to maintain this level of security and safety.

ESSENTIAL JOB FUNCTIONS:

Conducts visual sweeps of assigned courtrooms and any associated jury rooms including main hallways, restrooms, and any other conspicuous area.

Conducts security details.

Screens individuals who are entering the secured court houses.

Makes arrests on warrants and court ordered remands (POST-Certified Positions)

Detains subjects that have warrants or court ordered remands (Non-POST Positions).

POST-certified deputies may transport arrestees to the detention facility as assigned.

Maintains order in the courtroom while Court is in session.

Assists citizens who have questions related to directions or court dockets.

Prepares written incident reports related to criminal activity or alleged criminal activity.

Maintains the safety and security of the court house.

Performs other related duties as assigned.

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MATERIAL AND EQUIPMENT USED:

Computer, two-way radio, magnetometers, handheld metal detectors, firearms, taser, handcuffs, camera, restraint equipment, vehicle, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential function of the job.

Valid Colorado Driver License.

CPR and First Aid Certification.

KNOWLEDGE OF:

Laws pertaining to the custody of prisoners and courtroom procedures.

Security of buildings and grounds, and of the rules and regulations governing entrances and exits. Computer applications related to the work.

All applicable state, federal, and local laws, rules, and regulations.

Recordkeeping, report preparation, filing methods, and records management techniques. Health and safety practices in dealing with inmates and detention facility.

SKILL IN:

Using tact, discretion, initiative, and independent judgment within established guidelines. Communicating clearly and effectively, orally and in writing.

MENTAL AND PHYSICAL ABILITIES:

Ability to evaluate and report inmate behavior problems.

Ability to follow prescribed routine in controlling visitation to a building. Ability to detect and report conditions that might indicate danger.

Ability to communicate with troubled inmates.

Ability to establish and maintain effective working relationships with inmates, other staff members, and the public.

Ability to act quickly and calmly in an emergency.

Ability to understand and carry out oral and written instructions.

Ability to communicate courteously and effectively with associates and the general public. Ability to prepare and maintain complete and accurate record and reports.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

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Ability to use physical strength of arms and legs to climb up and over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment. Ability to subdue inmates in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper and lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, move heavy equipment, rescue individuals, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essentials functions of this job the member is frequently required to stand, walk, reach with hands and arms, stoop, kneel, crouch, or crawl, speak and hear, and lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential function of this position the member is occasionally exposed to outdoor weather conditions.

Exposure to potentially hazardous situations that involve physically violent persons, or interviewing mentally or emotionally disturbed persons.

The incumbent's working conditions are typically moderately quiet.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.11 DETENTION DEPUTY

REPORTS TO: DETENTIONS SERGEANT

JOB SUMMARY:

Performs routine work in the safekeeping of prisoners in the custody of the Sheriff at the Montezuma County Sheriff's Office Detention Facility. Protects the wellbeing of prisoners overseeing them at meals and in their quarters.

ESSENTIAL JOB FUNCTIONS:

Secures all exterior and security doors in the facility by visually monitoring all people in the facility and controlling movement utilizing the control board; controls all lights, alarms, and other

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override equipment; contacts outside agencies such as fire, EMS, etc. as needed; serves as central command post for emergency procedures in the event of fire, riot, etc.

Observes and controls inmate movement within the housing unit; conducts inmate searches for contraband; utilizes force and/or self-defense techniques as necessary to maintain order; provides first aid and CPR when necessary.

Monitors inmates' behavior and attitudes for signs of personality changes, depression, and developing conflicts between inmates; enforces the rules and guidelines for inmates, which includes initiating disciplinary action when necessary; prepares and maintains records of inmates' physical or mental problems; delivers prescription and non-prescription medications.

Transports inmates to court and medical appointments; maintains records and prepares reports of inmates transported and returned to detention facility.

Provides courier service for the department in delivering documents to other departments or retrieving documents from other departments for the Sheriff's Office.

Reviews arresting officer's paperwork for completeness before accepting incoming inmate; pat or strip searches inmates as necessary and required by guidelines to find contraband; inventories inmates' clothing, personal property, and money; fingerprints and takes mug shot for verification by local, state, and federal agencies; utilizes force and/or self-defense techniques to restrain disruptive or combative inmates; escorts inmates staying in custody to property where they are searched, de-liced, showered, and dressed in issued clothing.

Prepares and maintains records of daily activities on the computer in accordance with departmental policies and procedures; receives, opens, and inspects incoming mail.

Prepares and maintains accurate log entries detailing the services and daily routines; creates and maintains files on inmates recording the time/dates/reasons for incarceration, any changes in the conditions or requirements of incarceration and the time/date/authority of release.

Supervises all movements in the facility; services as first responder when there is a problem in a pod fight, medical emergency, etc.; escorts inmates needing additional supervision or security; monitors radio traffic; supervises worker inmates in cleaning common areas and accounts for cleaning supplies used; conducts linen change in pod and assists medical officer when necessary.

Verifies inventory of inmates' clothing, personal property, and money against written record; utilizes departmental guidelines to determine property items an inmate may take into housing and stores the other items to be returned to the inmate upon release.

Verifies inmates' ability to leave facility by utilizing the computer and written records from the facility, local, state, and federal agencies, and the courts; generates and completes released paperwork; sends copies to records and other agencies as required.

Maintains security of the clinic and the safety of the medial staff by monitoring all inmates coming into the clinic; conducts searches of the clinic and inmates attending the clinic for contraband.

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Operates various technical equipment to monitor and control the activities of inmates and their visitors, which includes controlling cameras, operating doors, showers, and fire escapes.

Serves as Rover patrolling halls and monitoring inmates' movement; ensures inmates arrive at desired destinations as scheduled; serves as first responder to disturbance.

Supervises meal delivery, pick-up and tray return; removes trash from the facility; ensures inmates with special menus received correct tray; notes inmates refusing meals.

Conducts inmate head counts; monitors activities of suicidal inmates, violent inmates, and trouble causing felons; monitors inmates during visitation and recreation periods.

Ensures all inmates are accounted for at all times; prevents inmates escapes, introductions and/or passing of contraband, and prevents the assault or injury of inmates and staff; ensures that each inmate receives his/her meals, clothing changes, mail, opportunity for exercise, etc. as set forth in departmental policy.

Prepares written reports on incidents occurring inside the facility,which includes the action/use of necessary force by the officers to be unutilized in criminal prosecutions, defense against lawsuits, disciplinary procedures against inmates, and at time of internal affair investigations.

Prepares reports detailing operational problems such as defective equipment, suggestions for improving services, or hazardous conditions.

Answers inmates questions regarding the rules and regulations of the facility, provides information regarding the booking process, bond amounts, and charges, etc.

Performs other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

Computer, two-way radio, monitors, control panels, camera restraint equipment, vehicle,general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential function of the job.

Valid Colorado Driver License.

CPR and First Aid Certification.

KNOWLEDGE OF:

Laws pertaining to the custody of prisoners.

Security of buildings and grounds, and of the rules and regulations governing entrances and exits. Computer applications related to the work.

All applicable state, federal, and local laws, rules, and regulations.

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Recordkeeping, report preparation, filing methods, and records management techniques. Health and safety practices in dealing with inmates and detention facility.

SKILL IN:

Using tact, discretion, initiative, and independent judgment within established guidelines. Communicating clearly and effectively, orally and in writing.

MENTAL AND PHYSICAL ABILITIES:

Ability to evaluate and report inmate behavior problems.

Ability to follow prescribed routine in controlling visitation to a building. Ability to detect and report conditions which might indicate danger.

Ability to communicate with troubled inmates.

Ability to establish and maintain effective working relationships with inmates, other staff members, and the public.

Ability to act quickly and calmly in an emergency.

Ability to understand and carry out oral and written instructions.

Ability to communicate courteously and effectively with associates and the general public. Ability to prepare and maintain complete and accurate record and reports.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment. Ability to subdue inmates in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper and lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, move heavy equipment, rescue individuals, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essentials functions of this job the member is frequently required to stand, walk, reach with hands and arms, stoop, kneel, crouch, or crawl, speak and hear, and lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential function of this position the employee is occasionally exposed to outdoor weather conditions.

Exposure to potentially hazardous situations that involve physically violent persons, or interviewing mentally or emotionally disturbed persons.

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The incumbent's working conditions are typically moderately quiet.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.12 PATROL AND DETENTION DIVISION ADMINISTRATIVE SERGEANT
REPORTS TO: OPERATIONS OR DETENTION DIVISION SUPERVISOR

JOB SUMMARY:

Under direction of the appropriate Division Supervisor, plans, directs, supervises, assigns, reviews, and participates in the work of agency administrative duties; assists in supervision of deputies, investigations, crime prevention, community relations, and related services and activities; serves as watch commander as assigned; assumes responsibility for assigned special programs, projects, or department-wide functions or activities; coordinates activities with other agencies; and performs a variety of administrative and technical tasks relative to area of responsibility.

ESSENTIAL JOB FUNCTIONS:

Plan, prioritize, assign, supervise, and review the work of sworn law enforcement staff involved in traffic and field patrol, investigations, crime prevention, community relations, and related services and activities.

Occasionally serve as first level supervisor; prepare and administer briefings; supervise and direct sworn and non-sworn staff; conduct personnel, equipment, and building inspections.

Prepare, process, and maintain a variety of written reports and records pertaining to assignment.

Coordinate law enforcement activities with other divisions in the agency, and/or other County departments or divisions; coordinate functions with other law enforcement agencies with approval of Undersheriff or Lieutenant.

Conduct a continuing review of assigned activities to identify problems and develop recommendations for improving services.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for providing effective law enforcement services.

Update policies and procedures.

Interpret, convey, and ensure implementation of agency policies, procedures, and methods; ensure that personnel have clear guidelines of authority and responsibility.

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Assist the Training Manager/Coordinator; provide training, guidance, and counseling to assigned personnel; complete member performance evaluations and reviews as required; promote career development of subordinates. Respond to major crimes, accident scenes, and emergencies; assume initial command; establish field command posts and implement the Incident Command System; act as incident commander.

Acts as training coordinator to ensure appropriate and job level training is conducted.

Provide a full range of administrative support to command staff as directed by the Patrol Lieutenant; conduct a variety of organizational studies, investigations, and operational studies; recommend modifications to programs, policies, and procedures as appropriate; prepare departmental policies and procedures; prepare and present staff reports and other necessary correspondence.

Work with the Command Staff in budget development and administration; assist in preparing and planning yearly budget; participate in the development of grant applications and the administration of grants.

Participate in patrol shift activities as necessary including enforcing local and state laws; issue citations and make arrests.

Speak before groups and represent the agency at meetings and conferences as directed by the Patrol Lieutenant.

Supervise and participate in the preparation of reports for various cases including cases going to trial; prepare supplemental reports as required; appear in court to present evidence and testimony as required. Supervise and personally conduct complete and detailed investigations of a general and specialized nature; manage day-to-day activities and coordinate investigations including those involving several officers, units and divisions; oversee and participate in undercover and surveillance operations; review investigation reports and make recommendations and suggestions to officers; supervise and assist officers in follow-up investigations including the gathering of evidence, questioning of witnesses, and apprehension of suspects.

Oversee and supervise a variety of special services, programs, projects, and units including the School Security Resource Officer functions; PIO for Sheriff's Office; coordinate special events; handle miscellaneous complaints and projects for the Sheriff's Office.

Perform related duties as required.

MATERIAL AND EQUIPMENT USED:

Personal computers, motor vehicle, firearms photographic equipment, restraint equipment, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; supplemented by additional training or college level course work in law enforcement, criminal justice, police science, public administration, or a related field.

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Five years of progressively responsible related supervisory experience; or,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

Colorado Peace Officer Certification.

KNOWLEDGE OF:

Local, state, and federal laws, and County ordinances and resolutions, and the procedures relating to the Criminal Justice System.

Law enforcement techniques with particular reference to the apprehension, arrest, and prosecution of persons committing misdemeanors and felonies, including rules of evidence in criminal cases and the elements of felony and misdemeanor offenses.

Administration of staff and activities, either directly or through subordinate supervision.

The state criminal code and of legal terminology and court procedures. Computer applications related to the work.

Operations, services, and activities of a comprehensive County law enforcement program.

Functions and objectives of the Sheriff's Office and other local, state, and federal agencies.

Principles of supervision, leadership, training, and performance evaluation.

Law enforcement theory, principles, and practices and their application to a wide variety of services and programs.

Methods and techniques used in providing the full range of law enforcement and crime prevention services and activities including investigation and identification, patrol, traffic control, records management, care and custody of persons and property, and crime prevention.

Principles of police report preparation.

Principles and applications of public relations.

Principles and practices of data collection and analysis.

Basic principles and practices of budget preparation and control.

SKILL IN:

The use of firearms and all assigned equipment utilized in the performance of the essential functions of the position.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

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Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, assigning, directing, reviewing, and evaluating the work of staff. Communicating clearly and effectively, orally and in writing.

Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

Ability to understand and follow complex oral and written instructions. Ability to prepare, present and interpret complex reports.

Ability to establish and maintain effective working relationships with all agency members and general public. Ability to express ideas clearly and concisely orally and in writing.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to work under adverse conditions of violence, danger, and emotional stress.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

Ability to use and care for firearms and other police equipment. Ability to mediate disputes among diverse groups of people.

Ability to be articulate while testifying in court or other legal proceedings.

Ability to read and interpret documents such as safety rules, operation and maintenance instructions, procedure manuals, and so forth.

Ability to speak effectively before public groups and respond to questions.

Ability to interpret a variety of instructions in written, oral, diagram, or schedule form. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to obtain information through interview, interrogation, and observation.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over or to jump over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment.

Ability to subdue suspects in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper or lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, to push vehicles from roadway, move heavy equipment, rescue individuals, restrain suspects or victims, and drag persons away from dangerous situations or respond to incidents.

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Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, speak, hear, and use hands to finger, handle, or feel.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential functions of this position the memer is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, and work with explosives.

Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life threatening situations such as armed and/or violent arrestees.

Occasional exposure of work time to hazardous situations that involve armed or physically violent persons or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours and shift times.

The incumbent's working conditions are typically moderately quiet.

In an emergency situation, the incumbent's working conditions are typically loud.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.13 DETENTION DIVISION STAFF SERGEANT

TACC SERGEANT (Transport, Alternative Sentencing, Court Security, and Civil)

REPORTS TO: DETENTIONS LIEUTENANT

JOB SUMMARY:

Supervises and participates in the protection and guarding of prisoners housed within the County Detention Facility on an assigned shift.

ESSENTIAL JOB FUNCTIONS:

Carries out supervisory responsibility in accordance with County policies, procedures, and applicable laws including: training in job skills; planning, assigning and directing work; appraising performance, addressing complaints, and resolving problems.

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Supervises the care and wellbeing of inmates; plans, schedules, and assigns work to correctional officers and support staff; establishes priorities; instructs and trains in correct methods; checks and approves work; reviews and evaluates member performance.

Counsels/advises members and inmates when problems arise between them; refers serious problems to Lieutenant or other appropriate resource.

Prepares and maintains records of daily activities on the computer in accordance with departmental policies and procedures; reviews reports prepared by subordinates for completeness and accuracy.

Supervises the preparation of written reports on incidents occurring inside the facility with includes the actions/use of necessary force by the officers to be utilized in criminal prosecutions, defense against lawsuits, disciplinary procedures against inmates, and at time of internal affair investigations.

Prepares and reviews reports detailing operational problems such as defective equipment, suggestions for improving services, or hazardous conditions.

Assumes additional duties in the absence of the supervisor.

Responsible for scheduling transports and assigning personnel as well as maintaining database.

Ensures pre-trial clients are supervised according to their release documents and maintains current debt-free balance for clients.

Supervises and ensures work release inmates are supervised within policy and procedures as outlined in protocol.

Monitors home detention clients.

Ensures appropriate staff is assigned to provide adequate security for judicial members of county and district courts.

Acts as a liaison between court personnel and the Sheriff’s Office.

Supervises civil deputy by ensuring assigned restraining orders, subpoenas, and court-ordered evictions are handled according to policy, court directives, and state statute.

Performs other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

General office equipment, camera equipment, cell phone, two-way radio, control board, handcuffs and leg irons, firearms, computer, vehicle, handheld metal detector.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED, supplemented with an Associate level degree (preferred); and, four years as a Detention Deputy with the Montezuma County Sheriff's Detention Facility and two years as a Detentions Supervisor.

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Valid Colorado Driver License.

CPR and First Aid Certification.

Detention Certification.

KNOWLEDGE OF:

The principles of detention management.

The laws of procedures relevant to the apprehension and custody of prisoners.

Security of buildings and grounds, and of the rules and regulations governing entrances and exits. Physical and emotional needs and problems of inmates.

Health and safety practices in dealing with inmates and detention facility. Methods and techniques of evaluating and reporting behavioral problems. Recordkeeping, report preparation, filing methods, and records management techniques. Administration of staff and activities, either directly or through subordinate supervision. Computer applications related to the work.

SKILL IN:

Using tact, discretion, initiative and independent judgment within established guidelines. Applying logical thinking to solve problems or accomplish tasks; to understand, interpret, and communicate complicated policies, procedures, and protocols.

Planning, organizing, assigning, directing, reviewing, and evaluating the work of staff.

Selecting and motivating staff and providing for their training and professional development. Preparing clear and concise reports, correspondence, and other written material.

MENTAL AND PHYSICAL ABILITIES:

Ability to deal courteously and fairly with the inmates of the facility and the general public. Ability to analyze situations and take the necessary actions to bring a situation to a satisfactory conclusion.

Ability to understand and follow oral and written instructions and to prepare clear and concise reports.

Ability to detect and report conditions which might indicate danger.

Ability to establish and maintain effective working relationships with inmates, other staff members, and the public.

Ability to act quickly and calmly in an emergency.

Ability to communicate courteously and effectively with associates and the general public. Ability to obtain information through interview, interrogation, and observation.

Ability to prepare and maintain complete and accurate record and reports.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

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Ability to use physical strength of arms and legs to climb up and over, across, ascend, or descend large obstacles.

Ability to pursue inmates on foot for a sustained period while bearing duty equipment. Ability to subdue inmates in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper and lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry large objects or persons, move heavy equipment, rescue individuals, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essentials functions of this job the member is frequently required to stand, walk, reach with hands and arms, stoop, kneel, crouch, or crawl, speak and hear, and lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential function of this position the member is occasionally exposed to outdoor weather conditions.

Exposure to potentially hazardous situations that involve physically violent persons or interviewing mentally or emotionally disturbed persons.

The incumbent's working conditions are typically moderately quiet.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.5.14 DETENTION SERGEANT

REPORTS TO: DETENTIONS LIEUTENANT

JOB SUMMARY:

Supervises and participates in the protection and guarding of prisoners housed within the County Detention Facility on an assigned shift.

ESSENTIAL JOB FUNCTIONS:

Carries out supervisory responsibility in accordance with County policies, procedures, and applicable laws including: training in job skills; planning, assigning, and directing work; appraising performance, addressing complaints, and resolving problems.

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Supervises the care and wellbeing of inmates; plans, schedules, and assigns work to correctional officers and support staff; establishes priorities; instructs and trains in correct methods; checks and approves work; reviews and evaluates member performance.

Supervises inmate release activities in compliance with departmental policies and procedures; reviews all paperwork to ensure all releases are eligible and consistent with all procedures; prepares all inmate money, valuables, clothing, and other property for the inmate at release; prepares inmate file for closure and transfer to inactive status.

Counsels/advises members and inmates when problems arise between them; refers serious problems to Lieutenant or other appropriate resource.

Ensures the security of all exterior and security doors in the facility by visually monitoring all movements of all people in the facility and controls movement utilizing screens and monitors in the control room; controls all lights, alarms, and other override equipment; contacts outside agencies such as fire, EMS, etc. as needed; serves as central command post for emergency procedures in the event of fire, riot, etc.

Observes and controls inmate movement within the housing unit by communicating with inmates either in person or over the intercom system; conducts inmate searches for contraband; utilizes force and/or self-defense techniques as necessary to maintain order; provides first aid and CPR when necessary.

Monitors inmates' behavior and attitude for signs of personality changes, depression, and developing conflicts between inmates; enforces the rules and guidelines for inmates, which includes initiating disciplinary action when necessary; prepares and maintains records of inmates' physical or mental problems; delivers prescription and non-prescription medications.

Prepares and maintains records of daily activities on the computer in accordance with departmental policies and procedures; reviews reports prepared by subordinates for completeness and accuracy.

Supervises log entries detailing the services and daily routines and ensures their accuracy and completeness; creates and maintains files on inmates recording the time/dates/reason for incarceration, any changes in the conditions or requirements of incarceration, and the time/date/ authority of release.

Ensures all inmates are accounted for at all times; prevents inmate escapes, introduction and/or passing of contraband, and prevents the assault or injury of inmates and staff; ensures that each inmate receives his/her meals, clothing changes, mail, opportunity for exercise, etc. as set forth in departmental policy.

Supervises the preparation of written reports on incidents occurring inside the facility,which includes the actions/ use of necessary force by the officers to be utilized in criminal prosecutions, defense against lawsuits, disciplinary procedures against inmates, and at time of internal affair investigations.

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Prepares and reviews reports detailing operational problems such as defective equipment, suggestions for improving services, or hazardous conditions.

Accounts for and safeguards all inmate money, valuables, and other property for the duration of inmates' incarceration; disposes of unclaimed inmate property in accordance with departmental policies and procedures; maintains accountability for all inmate funds in their personal accounts, and reconciles the total balance of all inmate funds secured and held by the detention facility.

Ensures the proper storage of contraband seized as the result of criminal or administrative activity. Reviews all inmate release documents to ensure the right person is being released, release data and time is accurate, there are no outstanding warrants or holds, and all monies and property are returned.

Logs visitation hours of inmates and ensures the safety of visitors to include attorneys and other professional visits.

Answers inmates' questions regarding the rules and regulations of the facility; provides information regarding the booking process, bond amounts and charges, etc.

Assumes additional duties in the absence of the supervisor.

Under the direction of the Division Field Training Coordinator, responsible as Field Training Instructors to objectively evaluate and document the performance of Probationary Deputies in accordance with program standards.

Performs other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

General office equipment, camera equipment, two-way radio,control board, handcuffs and leg irons, firearms, computer, vehicle, handheld metal detector.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED, supplemented with an Associate level degree (preferred); and, two years as a Detention Officer with the Montezuma County Sheriff's Detention Facility.

Any three combinations of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential functions of the job.

Valid Colorado Driver License.

CPR and First Aid Certification.

Detention Certification.

KNOWLEDGE OF:

The principles of detention management.

The laws of procedures relevant to the apprehension and custody of prisoners.

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Security of buildings and grounds, and of the rules and regulations governing entrances and exits. Physical and emotional needs and problems of inmates.

Health and safety practices in dealing with inmates and detention facility. Methods and techniques of evaluating and reporting behavioral problems. Recordkeeping, report preparation, filing methods, and records management techniques. Administration of staff and activities, either directly or through subordinate supervision. Computer applications related to the work.

SKILL IN:

Using tact, discretion, initiative, and independent judgment within established guidelines. Applying logical thinking to solve problems or accomplish tasks; to understand, interpret and communicate complicated policies, procedures, and protocols.

Planning, organizing, assigning, directing, reviewing, and evaluating the work of staff.

Selecting and motivating staff and providing for their training and professional development. Preparing clear and concise reports, correspondence, and other written material.

MENTAL AND PHYSICAL ABILITIES:

Ability to deal courteously and fairly with the inmates of the facility and the general public. Ability to analyze situations and take the necessary actions to bring a situation to a satisfactory conclusion.

Ability to understand and follow oral and written instructions and to prepare clear and concise reports.

Ability to detect and report conditions which might indicate danger.

Ability to establish and maintain effective working relationships with inmates, other staff members, and the public.

Ability to act quickly and calmly in an emergency.

Ability to communicate courteously and effectively with associates and the general public. Ability to obtain information through interview, interrogation, and observation.

Ability to prepare and maintain complete and accurate record and reports.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over, across, ascend, or descend large obstacles.

Ability to pursue inmates on foot for a sustained period while bearing duty equipment. Ability to subdue inmates in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper and lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry large objects or persons, move heavy equipment, rescue individuals, and drag persons away from dangerous situations or respond to incidents.

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Ability to run up or down stairways or respond to other incidents.

While performing the essentials functions of this job the member is frequently required to stand, walk, reach with hands and arms, stoop, kneel, crouch, or crawl, speak and hear, and lift and/or move more than 100 pounds.

WORKING CONDITIONS:

While performing the essential function of this position the employee is occasionally exposed to outdoor weather conditions.

Exposure to potentially hazardous situations that involve physically violent persons, or interviewing mentally or emotionally disturbed persons.

The incumbent's working conditions are typically moderately quiet.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.6 CRIME ANALYSIS - DEPUTY/DETECTIVE

REPORTS TO: DETECTIVE DIVISION SUPERVISOR

JOB SUMMARY:

The Office Crime Analysis will report to the Detective Division Supervisor and be assigned to the Detective Division. The crime analysis will assist in the prediction of criminal patterns throughout Montezuma County by identifying the time, place and day that crime is likely to occur as determined by daily/monthly criminal case report/investigation reviews.

The crime analyst will utilize current criminal trend information to develop presentations that can be disseminated by command staff members. The crime analyst will become familiar and utilize computer databases to identify possible criminal targets for both the Criminal Investigation Division and the Narcotics Task Force. The crime analyst, because of P.O.S.T. certification, will have the ability to investigate cases and file cases for prosecution with the District Attorney’s Office. The crime analyst will become familiar with databases such as Colorado Information Analysis Center, Auto Theft Information Crime Center, Rocky Mountain Information Network, TLO, Leads Online, ICAC and any other databases that will assist the agency.

ESSENTIAL JOB FUNCTIONS:

The crime analyst will be proficient in using computers and compiling criminal statistical data. The crime analyst will be proficient in completing search and arrest warrants, along with completing case assignments at the direction of the Detective Lieutenant. The crime analyst will

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be knowledgeable in the area of computer and cellular telephone forensics. The crime analyst will be responsible for maintaining current databases. The crime analyst will prepare monthly reports identifying high crime areas in Montezuma County and disseminating that information to the Patrol and Detective Command Staff in report and map form. The crime analyst will assist in the completion and execution of search warrants at the direction of the Detective Lieutenant. The crime analyst will be responsible for monitoring social media sites for potential criminal threats within the boundaries of Montezuma County. The crime analyst will coordinate with other law enforcement agencies in identifying criminal trends that may affect Montezuma County. The crime analyst may be called to major crimes and participate in related law enforcement activities. The crime analyst may respond to crime scenes to search for and preserve forensic and physical evidence and gather crime scene information by taking photos, video, and measurements.

Collect and disseminate information necessary for an arrest; interview victims to obtain facts of crimes; interview witnesses to obtain statements to substantiate occurrences; interview suspects after Miranda Warning and obtaining personal history.

Provide court testimony on cases investigated, first appearances, defendant arraignment, detention hearings, jury and non-jury trials and sentencing; prepare cases for court including preparing affidavits and witness lists, preparing crime reports and assisting the District Attorney’s Office before and after the trial.

KNOWLEDGE OF:

Office guidelines, rules, regulations, and of the limitations on office authority. Practices and methods of criminal investigation and identification.

Geography of Montezuma County.

All applicable federal, state, and local laws, rules, and regulations.

Pertinent federal and state laws and county ordinances with particular reference to apprehension, arrest, admissible evidence, and the prosecution of persons.

Computer applications related to the work.

Colorado Rules of Criminal Procedure, search and seizure and search/arrest warrant preparations and submissions.

SKILL IN:

The use and care of firearms and in the use of such other regular and special equipment as may be assigned.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Preparing clear and concise reports, correspondence, and other written materials. Testifying effectively in court.

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MENTAL AND PHYSICAL ABILITIES:

Ability to deal courteously and fairly with the general public.

Ability to analyze situations and take quick, effective, and reasonable courses of action, giving due regard to the surrounding hazards and circumstances of each situation.

Ability to understand and follow written and oral instructions. Ability to write clear and comprehensive reports.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to recognize danger and take immediate action necessary for the protection of life and property.

Ability to understand and operate two-way communication equipment.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

Ability to pass the Montezuma County Sheriff's Office physical assessment standards.

Ability to use physical strength of arms and legs to climb up and over or to jump over, across, ascend, or descend large obstacles.

Ability to pursue suspects on foot for a sustained period while bearing duty equipment. Ability to subdue suspects in a physical confrontation bearing duty equipment.

Ability to push or pull self through openings of varying nature by using the necessary upper or lower body strength of the arms or legs.

Ability to drag, push, pull, lift, or carry heavy objects or persons, to push vehicles from roadway, move heavy equipment, rescue individuals, restrain suspects or victims, and drag persons away from dangerous situations or respond to incidents.

Ability to run up or down stairways or respond to other incidents.

While performing the essential functions of this job the member is occasionally required to lift and/or move more than 100 pounds.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, use hands to finger, handle, or feel, reach with hands and arms, climb or balance, stoop, kneel, crouch, or crawl, and speak and hear.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions, and work with explosives.

Exposure to unknown and dangerous conditions such as intoxicated or violent arrestees and life-threatening situations such as armed and/or violent arrestees.

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Occasional exposure of work time to hazardous situations that involve armed or physically violent persons, or interviewing mentally or emotionally disturbed persons.

Working time may require irregular hours, on-call status, and/or shift times.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Responsible accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.7 CONTROL ROOM TECHNICIAN

REPORTS TO: DETENTIONS SERGEANT

JOB SUMMARY:

Performs routine video surveillance work in the safekeeping of prisoners in the custody of the Sheriff at the Montezuma County Sheriff's Office Detention Facility. Protects the wellbeing and safety of the deputies, interior and exterior of the Sheriffs Office and Court Facilities, and prisoners by overseeing them in their quarters from the detention center control room. Telecommunication with deputies and prisoners from the detention center control room.

ESSENTIAL JOB FUNCTIONS:

Secures all exterior and security doors in the facility by visually monitoring all people in the facility and controlling movement utilizing the control board; controls all lights, alarms, and other override equipment; contacts outside agencies such as fire, EMS, etc. as needed; serves as central command post for emergency procedures in the event of fire, riot, etc.

Observes and controls inmate movement within the housing unit; provides first aid and CPR when necessary within the control room.

Monitors inmates' behavior and attitudes for signs of personality changes, depression, and developing conflicts between inmates; reports violations of the rules and guidelines for inmates, and may include preparing and maintaining records of inmates' physical or mental problems.

Provides courier service for the department in delivering documents to other departments or retrieving documents from other departments for the Sheriff's Office.

Prepares and maintains records of daily activities on the computer in accordance with departmental policies and procedures.

Maintains video and intercom security of the clinic and the safety of the medial staff by monitoring all inmates coming into the clinic.

Operates various technical equipment to monitor and control the activities of inmates and their visitors, which includes controlling cameras, operating doors, showers, and fire escapes.

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Prepare reports detailing operational problems such as defective equipment, suggestions for improving services, or hazardous conditions.

Answers inmates questions regarding the rules and regulations of the facility, provides information regarding the booking process, bond amounts, and charges, etc.

Performs other related duties as assigned.

MATERIAL AND EQUIPMENT USED:

Computer, two-way radio, monitors, control panels, camera restraint equipment, general office equipment.

MINIMUM QUALIFICATIONS REQUIRED:

High school diploma or GED; and,

Any combination of education, training, and experience that provides the required knowledge, skills, and abilities to perform the essential function of the job.

Valid Colorado Driver License.

CPR and First Aid Certification.

KNOWLEDGE OF:

Laws pertaining to the custody of prisoners.

Security of buildings and grounds, and of the rules and regulations governing entrances and exits. Computer applications and programs related to the work.

All applicable state, federal, and local laws, rules, and regulations.

Recordkeeping, report preparation, filing methods, and records management techniques. Health and safety practices in dealing with inmates and detention facility.

SKILL IN:

Using tact, discretion, initiative, and independent judgment within established guidelines. Communicating clearly and effectively, orally and in writing.

MENTAL AND PHYSICAL ABILITIES:

Ability to evaluate and report inmate behavior problems.

Ability to follow prescribed routine in controlling visitation to a building. Ability to detect and report conditions which might indicate danger.

Ability to communicate with troubled inmates.

Ability to establish and maintain effective working relationships with inmates, other staff members, and the public.

Ability to act quickly and calmly in an emergency.

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Ability to understand and carry out oral and written instructions.

Ability to communicate courteously and effectively with associates and the general public. Ability to prepare and maintain complete and accurate record and reports.

Ability to use physical strength of arms and legs to climb up and over, across, ascend, or descend large obstacles.

Ability to walk or run up or down stairways.

While performing the essentials functions of this job the member is frequently required to stand, walk, reach with hands and arms, stoop, kneel, crouch, or crawl, speak and hear, and lift and/or move more than 20 pounds.

WORKING CONDITIONS:

While performing the essential function of this position the employee is occasionally exposed to outdoor weather conditions.

Exposure to potentially hazardous situations that involve physically violent persons, or communicating with mentally or emotionally disturbed persons.

The incumbent's working conditions are typically moderately quiet.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA). Reasonable accommodation for the specific disability will be made for the incumbent/applicant when possible.

200.8 INTELLIGENCE ANALYSIS-NON-CERTIFIED DEPUTY

REPORTS TO: DETECTIVE DIVISION SUPERVISOR

JOB SUMMARY:

The Office Intelligence Analysis will report to the Detective Division Supervisor and be assigned to the Detective Division, primarily attached to the Montezuma County Narcotics Investigation Section. The intelligence analysis will assist in the prediction of criminal and illicit drug patterns throughout Montezuma County by identifying the time, place and day that crime is likely to occur as determined by daily/monthly criminal case report/investigation reviews.

The intelligence analyst will utilize current criminal and illicit drug trend information to develop presentations that can be disseminated by command staff members. The intelligence analyst will become familiar and utilize computer databases to identify possible criminal targets for both the Criminal Investigation Division and the Narcotics Task Force. The intelligence analyst will have the ability to assist in the investigations of criminal cases under the supervision of certified deputies and when needed, will prepare supplemental case reports that are filed for prosecution

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with the District Attorney's Office. The intelligence analyst will become familiar with databases such as Colorado Information Analysis Center, Auto Theft Information Crime Center, Rocky Mountain Information Network, TLO, Leads Online, ICAC and any other databases that will assist the agency and develop networking relationships.

ESSENTIAL JOB FUNCTIONS:

The intelligence analyst will be proficient in using computers and compiling criminal statistical data. The intelligence analyst will be proficient in completing case management assignments or any other duties at the direction of the Detective Division Supervisor. The intelligence analyst will be knowledgeable in the area of criminal investigation forensics. The intelligence analyst will be responsible for maintaining current databases, and will prepare monthly reports identifying criminal activity within Montezuma County and disseminating that information to the Patrol and Detective Command Staff in report and map form. The intelligence analyst will assist in the responsibilities of monitoring social media sites for potential criminal threats within the boundaries of Montezuma County and Four Corners area. The intelligence analyst will coordinate with other law enforcement agencies in identifying criminal trends that may affect Montezuma County. The intelligence analyst may be called in to assist with major crimes and related law enforcement activities.

Collect and disseminate information necessary for an arrest in ongoing or cold case investigations by obtaining personal and social histories through multiple internet web based sites and data bases.

KNOWLEDGE OF:

Office guidelines, rules, regulations, and of the limitations on office authority. Practices and methods of criminal investigation and identification.

Geography of Montezuma County.

All applicable federal, state, and local laws, rules, and regulations.

Pertinent federal and state laws and county ordinances with particular reference to apprehension, arrest, admissible evidence, and the prosecution of persons.

Computer applications related to the work.

Colorado Rules of Criminal Procedure, search and seizure and search/arrest warrant preparations and submissions.

SKILL IN:

The use and care of regular and special equipment as may be assigned.

Using tact, discretion, initiative, and independent judgment within established guidelines. Organizing work, setting priorities, meeting critical deadlines, and following up assignments with a minimum of direction.

Preparing clear and concise reports, correspondence, and other written materials.

MENTAL AND PHYSICAL ABILITIES:

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Ability to deal courteously and fairly with members of this Office, other law enforcement agencies and the general public.

Ability to analyze situations and take quick, effective, and appropriate courses of action, giving due regard to the surrounding hazards and circumstances of each situation.

Ability to understand and follow written and oral instructions. Ability to write clear and comprehensive reports. Communicate effectively.

Ability to react quickly and calmly under emergency conditions. Ability to display sound judgment in making work decisions.

Ability to understand and operate two-way communication equipment.

Ability to define problems, collect data, establish facts, and draw valid conclusions.

Ability to handle files weighing up to ten pounds including floor to waist and overhead lifting.

Ability to lift, push, stoop, stretch, reach, carry, grasp and turn objects.

Ability to climb stairs; and stand, sit and walk for up to sixty minutes at a time.

Frequent use of phone handset and repetitive use of hand and fingers to take messages, operate office equipment, use computer keyboard and computer mouse and other office tasks.

Acceptable eyesight to read printed material and computer monitor, and operate scan and printer equipment.

Acceptable hearing to communicate with others in person or through telephonic means.

Ability to use/operate a motor vehicle for transportation to and from buildings, meetings, venders, etc.

While performing the essential functions of this job the member is frequently required to stand, walk, sit, use hands to finger, handle, or feel, reach with hands and arms, climb or balance, stoop, kneel, crouch, or crawl, and speak and hear.

WORKING CONDITIONS:

While performing the essential functions of this position the member is occasionally exposed to work near moving mechanical parts, work in high precarious places, fumes and airborne particles, toxic or caustic chemicals, outdoor weather conditions.

Working time may require irregular hours, on-call status, and/or shift times.

This class specification should not be interpreted as all-inclusive. It is intended to identify the essential functions and requirements of this job. Incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this specification. Any essential function or requirement of this class will be evaluated as necessary should an incumbent/applicant be unable to perform the function or requirement due to a disability as defined by the Americans with Disabilities Act (ADA).

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200.9 AUTHORITY AND RESPONSIBILITIES

Each member will be assigned duties and responsibilities commensurate with the member's assigned position within the Office and will have the delegated authority necessary to effectively execute those responsibilities. Each member will be held accountable for the appropriate application of that delegated authority.

200.10 PATROL STAFFING

The Patrol Division Lieutenant should conduct a workload assessment to determine patrol-staffing needs. In conducting the assessment, the Division Lieutenant should consider:

(a) The number and types of incidents (e.g., calls for service, investigation of criminal and non-criminal acts, apprehension of criminal offenders) handled by patrol personnel during the specified period (e.g., an eight-hour shift).

(b) The average time required to handle an incident at the patrol level.

(c) The average percentage of uncommitted time that should be available to the patrol deputy during a specified period.

(d) The time lost through days off, holidays and other leave compared to the total time required for each patrol assignment.

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General Orders and Special Orders

201.1 PURPOSE AND SCOPE

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

201.1.1 GENERAL ORDERS PROTOCOL

General Orders will be incorporated into the manual, as required upon approval of the Sheriff.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.

201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit, or to an individual. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

201.2 RESPONSIBILITIES

201.2.1 STAFF

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

201.2.2 SHERIFF

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

201.3 ACCEPTANCE OF GENERAL ORDERS

All members are required to read and obtain any necessary clarification of all General Orders. All members are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or email receipts showing a member's acknowledgement will be maintained by the Administrative Division Supervisor.

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Emergency Management Plan

202.1 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 members in the event of a major disaster, civil disturbance, mass arrest, or other emergency event. The plan provides for a strategic response by all members and assigns specific responsibilities in the event the plan is activated.

202.2 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.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all members of the Montezuma County Sheriff's Office are subject to immediate recall. Members 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.

202.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are available in Administrative Services, the Patrol Lieutenant's office and in the Dispatch Center. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the plan is implemented.

The State of Colorado Emergency Operations Plan and additional regional information can be found on the Colorado Office of Emergency Management website.

202.4 UPDATING THE PLAN

The Montezuma County Emergency Manager together with the Sheriff or the authorized designee shall review and update, if necessary, the Emergency Operations Plan at least once every year 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.

202.5 PLAN REVIEW

At least once every year, the Office should conduct a review of the Emergency Operations Plan together with the Montezuma County and Town of Dolores Mitigation Plans and responses, incorporating a full or partial exercise, tabletop or command staff discussion.

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202.6 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

203.1 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.

203.1.1 PRE-APPOINTMENT TRAINING

This office requires all candidates for employment as certified deputies to 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. 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 and CRS § 30-10-501.6 (1)).

203.2 PHILOSOPHY

The Office seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever reasonably possible, the Office will use courses certified by the Colorado POST Board or other regulatory or nationally recognized entities.

203.3 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 office members.

(c) Provide for continued professional development of office members.

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

203.4 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan shall include a systematic and detailed method for recording all training for all members.

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.

203.4.1 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:

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(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

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)

203.4.2 TRAINING RESTRICTION

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

203.5 TRAINING NEEDS ASSESSMENT

The Training Manager in coordination with each Division Supervisor will conduct an annual training needs assessment and complete a report of the training needs assessment, including recommendations from members. The Training Manager and Division Supervisors should review certain incidents to determine whether training would likely improve future outcomes or reduce

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or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Manager and Division Supervisors should review include, but are not limited to:

(a) Any incident involving the death or serious injury of a member.

(b) Incidents involving a high risk of death, serious injury, or civil liability.

(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The training needs assessment report will be provided to the Sheriff and Undersheriff. Upon review and approval by the Sheriff, the needs assessment will form the basis for the training plan for the following fiscal year.

203.6 TRAINING ATTENDANCE

(a) All members 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 member's participation.
5. Emergency situations or office necessity.

(b) Any member who is unable to attend training, as scheduled shall notify the member'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 member's supervisor.
2. Make arrangements through the member's supervisor or the Training Manager to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Montezuma County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

Members assigned to participate in DTBs shall only use login credentials assigned to them by the Training Manager. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not

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allow uncompleted DTBs to build up over time and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

203.8 TRAINING RECORDS

The Training Manager is responsible for the creation and accurate documentation of member training records. All training documentation will be submitted to the Training Manager/Coordinator who will be responsible for Colorado POST Portal Training submissions, filing, and storage of all training records. Training records shall be retained in compliance with the current records retention schedule.

203.9 FIELD TRAINING PROGRAM

The Training Manager in coordination with the Patrol Division Supervisor and Detention Division Supervisor, shall establish a field training program for recruit deputies that is of sufficient duration to provide for the adequate orientation and training of the new deputies in the lawful operations of the Office. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation and documentation of recruits participating in the program, and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

All FTOs and supervisors are to empower our members to succeed through proper positive reinforcement and job mentoring.

203.10 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 members.

203.11 TRAINING MANAGER

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

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Electronic Mail

204.1 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 members 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 members for the accomplishment of business-related tasks and/or communications directly related to the business, administration, or practices of the Office.

204.2 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. Members using the office email system shall have no expectation of privacy concerning communications transmitted over the system.

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

Members may access Sheriff’s Office (work) email accounts from their personal electronic devices, however, members are to exercise care to prevent sensitive/confidential criminal justice information and law enforcement information from being viewed by the general public.

Members who do use their personal electronic devices to access Sheriff’s Office (work) email accounts may be court ordered to produce all of the contents of their personal electronic devices in legal proceedings or court-ordered records requests.

204.3 PROHIBITED 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 the Sheriff, Undersheriff, or a Division Lieutenant. Personal advertisements or announcements are not permitted.

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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.

The email system is not to be used for personal business or non-official business communication, and such use may result in disciplinary action.

Members are not to auto-forward any Sheriff's Office emails to their personal email accounts. This particularly includes email containing criminal justice data such as CCIC/NCIC information, Executive Summary/Pass On, CIAC Bulletins, reports generated by the Crime Analyst, including Criminal Intelligence Reports, etc. Forwarding such emails to a personal email account may constitute a violation of state and/or federal statutes and regulations protecting such information.

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a record under the Colorado Open Records Act (CRS § 24-72-200.1 through § 24-72-206; CRS § 24-72-301 through CRS § 24-72-309) and must be managed in accordance with the established records retention schedule and in compliance with state law.

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

204.5 DISCIPLINARY ACTION

Members are to use common sense in all communications, whether on their own site or a site that is accessible to everyone. Anything written or posted on their own site or any other networking site as defined in this policy could potentially be grounds for discipline or termination.

Members may face disciplinary action for violations of this policy and for commentary, content, or images that are defamatory, pornographic, sexual in nature, proprietary, harassing, libelous, or that can create a hostile work environment, or any other information that may be deemed by the Sheriff to present the member, another member or the Sheriff's Office in an unprofessional light.

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Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this office are governed by the following policies.

205.2 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.

205.3 CORRESPONDENCE

To ensure that the letterhead and name of the Office are not misused, all official external correspondence shall be on Office letterhead. All Office letterhead shall bear the signature element of the Sheriff. Official correspondence and use of letterhead requires approval of a supervisor. Office letterhead may not be used for personal purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line member to member, supervisor to member or any combination of members.

205.4 SURVEYS

All surveys made in the name of the Office shall be authorized by the Sheriff or the authorized designee or a Division Supervisor.

205.5 OTHER COMMUNICATIONS

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

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Supervision Staffing Levels

206.1 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 members' 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.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least one regular supervisor on duty whenever possible. Patrol Division Lieutenant will ensure that at least one field supervisor is deployed during each shift.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a deputy may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Patrol Division Lieutenant, a deputy may act as the Patrol Lieutenant for a limited period of time.

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Concealed Handgun Permit

207.1 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)).

207.2 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

207.3 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).

207.3.1 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)).

207.4 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).

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

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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).

207.6 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.

207.7 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)).

207.7.1 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).

207.8 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).

207.9 CARRYING CONCEALED HANDGUNS IN RESTRICTED AREAS

Concealed handgun permittees are required to carry the permit together with photo identification at all times when in actual possession of a concealed handgun and are required to produce both documents upon demand by a law enforcement officer (CRS § 18-12-204(2)(a)).

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Concealed Handgun Permit

Permittees may be prohibited from carrying concealed handguns within certain buildings or other areas, as allowed by law. Examples include but are not limited to (CRS § 18-12-214):

(a) Locations where carrying a firearm is prohibited by federal law.

(b) Locations on the property of a public school except in a locked vehicle.

(c) Licensed childcare center, public or private college, university, or seminary in violation of CRS § 18-12-105.5

(d) Government building in violation of CRS § 18-12-105.3

(e) Polling location, drop box, or central count facility in violation of CRS § 1-13-724

(f) Any public building equipped with metal detectors at each entrance or that has a sign posted at each entrance prohibiting the carrying of a concealed handgun.

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Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension, or revocation of Montezuma County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Colorado law (18 USC § 926C).

208.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

208.3 LEOSA

The Sheriff should issue an identification card for LEOSA purposes to any qualified former deputy of this office who (18 USC § 926C(c)):

(a) Separated from service in good standing from this office as deputy.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this office.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this office where the deputy acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former deputy and identify him/her as having been employed as a deputy.

If the Montezuma County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Office to meet the active duty standards for qualification to carry a firearm.

208.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former deputy of this office, may carry a concealed firearm under 18 USC § 926C when he/she is:

(a) Is in possession of photographic identification that identifies him/her as having been employed as a law enforcement officer and one of the following:

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by Colorado law or by a private person or entity on his/her property if such prohibition is permitted by Colorado law.

208.4 FORMER DEPUTY RESPONSIBILITIES

A former deputy with a card issued under this policy shall immediately notify the Sheriff or Undersheriff of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

208.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former deputy shall:

(a) Sign a waiver of liability of the Office for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as a member or former member of the Office.

(b) Remain subject to all applicable Office policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check (including National Crime Information Center (NCIC) and Criminal Justice Information Services (CJIS) queries) indicating that he/she is not prohibited by law from receiving or possessing a firearm (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

(e) Pay a fee not to exceed the direct and indirect costs for issuing the card (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

208.5 DENIAL, SUSPENSION, OR REVOCATION

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Office. In the event that an identification card is denied, suspended, or revoked, the former deputy may request a review by the Sheriff. The decision of the Sheriff is final.

The former deputy shall be provided a written statement setting forth the reason for a denial or revocation (CRS § 24-33.5-112; CRS § 30-10-524; CRS § 31-30-106; CRS § 23-5-142).

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208.6 FIREARM QUALIFICATIONS

The Certified Firearms Instructor may provide former deputies from this office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Certified Firearms Instructor will maintain a record of the qualifications and weapons used.

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Internal Affairs

209.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures and guidelines for the handling of serious complaints or allegations of our members alleged to have committed violations of the law, misconduct, or policy violations that have been established for the professional standards and conduct of the Montezuma County Sheriff's Office.

209.2 DEFINITIONS

Allegation of misconduct - An alleged violation of law, policy, or procedure by a member or volunteer of the Sheriff's Office.

Garrity Administrative Advisement -A member's right to make a statement or answer questions, write reports, etc. concerning allegations of misconduct under the protection of this advisement rather than Miranda.

Internal Affairs (IA) - A function within the Sheriff’s Office responsible for conducting administrative investigations.

Major discipline - A suspension of any length, demotion, punitive transfer, or termination of employment.

Major misconduct - Includes, but is not limited to conduct that violates misdemeanor or felony criminal statutes; conduct that involves untruthfulness, is a violation of use of force standards, abuse of authority, or that recklessly endangers another person.

Minor misconduct - Includes, but is not limited to: conduct that involves traffic infractions, petty offenses, i.e. littering, or other technical, non-serious violations of state laws; conduct that involves discourteous interaction, unprofessional actions, or minor policy violations.

209.3 POLICY

It is the policy of the Montezuma County Sheriff’s Office to maintain a process for investigating allegations of member misconduct with the goal of reaching an appropriate resolution to every complaint. When a complaint is made that alleges serious misconduct, which may result in major discipline, the investigation is conducted as an administrative “internal affairs” (IA) investigation. When a complaint is made that alleges misconduct not subject to major discipline the allegation may be resolved by supervisory review (SR).

In either case, it is the policy of the Montezuma County Sheriff’s Office to be thorough and impartial when investigating an allegation. In most cases, IA investigations are conducted independent of criminal investigations arising out of the same conduct.

209.4 INTERNAL AFFAIRS FUNCTION

The Internal Affairs (IA) function is established to investigate complaints of member misconduct.

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(a) The Sheriff or designated Division Supervisor is responsible for maintaining a system for tracking all complaints – regardless of nature – and storing IA-related investigative files.

(b) All information received during an internal affairs investigation is **confidential**. The information is only released as directed by the Sheriff or ordered by the court.

The Montezuma County Sheriff's Office maintains an open door policy for the public and/or members who wish to make a complaint against a member of this Office.

209.5 INITIATING OR RECEIVING ALLEGATIONS OF MEMBER MISCONDUCT

(a) Any person may initiate an allegation of misconduct against a member.

(b) All allegations are either investigated as an IA or assigned for supervisory review (SR).

(c) Any non-supervisory member who is contacted by a citizen wishing to make an allegation against a member of the Sheriff's Office immediately puts the citizen in touch with a supervisor. If a supervisor is not available, the receiving member ascertains the nature of the allegation, completes an inter-office memorandum titled "allegation of member misconduct form", and forwards the information to a supervisor.

(d) A supervisor is responsible for ensuring an allegation of misconduct form is completed when a complaint comes to his or her attention.

(e) Upon receiving the complaint, the supervisor may conduct a preliminary investigation to gather information concerning the allegation. When appropriate the supervisor makes a preliminary determination if any law, statute, ordinance, rule, regulation, policy, or procedure has been violated.

(f) When the supervisor determines that there was no violation the supervisor may attempt to resolve the complaint by explaining why the member's actions were reasonable and appropriate.

(g) The explanation given to the complaining party is noted on the allegation of the member misconduct form.

(h) All allegations are forwarded to the Undersheriff.

(i) The Division Supervisor or Undersheriff notifies the Sheriff of a complaint when a member is accused of major misconduct.

(j) The Undersheriff assigns the investigation as an IA or for Supervisory Review (SR)

209.6 INTERNAL AFFAIRS (IA) INVESTIGATION

A complaint is assigned as an IA administrative investigation when available information supports a reasonable belief that substantiation of the allegation may result in major disciplinary action.

(a) At the discretion of the Undersheriff the investigation should recommend assigning to a POST Certified member in a separate division of the member named in the complaint or to the currently designated Sheriff's Office IA investigator.

(b) The investigation may be assigned to the Sheriff's IA investigator when the allegation involves an excessive use of force, crosses division lines, or is projected to be of a protracted or complex nature.

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(c) The affected member(s) may be placed on administrative leave while the matter is under investigation.

(d) The affected Division Supervisor or Undersheriff decides the duration of the administrative leave after consulting with the Sheriff and County HR and/or the County Attorney.

The assigned investigator reviews the completed allegation of member misconduct form.

(a) The investigator ensures the affected member is notified of the complaint and investigation unless such notification would compromise any facet of investigation.

The member under investigation is informed by the IA investigator of the nature of the investigation prior to being interviewed unless such notification would compromise any facet of the interview.

(a) During the investigation the member has the right to consult legal counsel.

(b) The member's legal counsel may be allowed to be in the room with the member during the interview at the discretion of the affected Division Supervisor and/or Undersheriff.

The investigator immediately notifies the Sheriff and Undersheriff when the investigator has reason to believe the member committed a crime.

(a) A criminal investigation follows normal investigative procedures, separate from the administrative investigation.

(b) Criminal investigators are not permitted to observe or participate in any interview conducted under the auspices of a Garrity administrative advisement.

(c) The criminal investigator may conduct a full investigation up to, and including, presenting the case to the District Attorney's Office for filing of criminal charges.

When it is determined that a complainant or witness has knowingly made a false report against a member, the investigator may pursue the filing of appropriate and applicable criminal charges against that person.

When an investigator determines that there are additional acts of misconduct that were not included in the original complaint, these acts may be included as a part of the investigation or investigated separately, at the discretion of the Undersheriff.

209.7 SUPERVISORY REVIEW (SR)

When the complaint alleges minor misconduct and the possible disciplinary actions do not rise to the level of a suspension or termination, the allegation may be assigned for investigation or review to the affected Division.

The Division Supervisor ensures that the direct supervisor of the affected member will review the matter and conduct further investigation, when needed.

This supervisor is responsible for communicating with the complainant, completing all related documentation, and administering discipline, coaching, counseling, or re-training as indicated by the circumstances.

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Any disciplinary action taken is done in accordance with Policy 1032, Disciplinary Action and Appeals.

Each Division Supervisor is responsible for establishing and maintaining a system for recording and tracking SR complaints. A pattern of SR level complaints against a particular member may result in the elevation of a new complaint to the IA level.

(a) Documentation of disciplinary action is placed in the member's personnel file.

(b) All other paperwork documenting the review, disposition, and corrective steps, when taken, is placed in the member's working file for performance evaluations use only.

(c) This paperwork is removed from the member's working file when the member is given his/her annual performance evaluation.

209.8 COOPERATION REQUIREMENT

All members of this Office are required to cooperate with internal affairs investigations and supervisory reviews and must give a statement or answer questions related to the investigation.

When criminal charges are contemplated against a member, the member may be given a Miranda advisement. Waiver of those rights may result in the use of incriminating statements in a subsequent criminal prosecution.

When a member refuses to make a statement or answer questions after receiving a Miranda advisement the member may be given a Garrity advisement and compelled to make a statement or answer questions or face disciplinary action, including loss of employment.

(a) When disciplinary action is threatened the member may invoke Garrity and request a written promise that future statements or answers not be used in any subsequent criminal prosecution against him/her stemming from the related investigation.

(b) The IA investigator may offer Garrity protection to the member promising that future statements or answers will not be used in any subsequent criminal prosecution against him/her stemming from the related investigation.

(c) The IA investigator consults with the Undersheriff or Sheriff prior to offering Garrity protection to a member.

The IA investigator may order that a member participate in a physical lineup; submit to a breath test, urine test, blood test, ultra violet light scan, or any other non-testimonial evidence test; or have photos taken; or provide a voice print or handwriting sample as needed for the investigation. Refusal to comply with any of these types of requests may result in disciplinary action, including dismissal.

A member may be ordered to submit to a polygraph examination related to the issues under investigation. Refusal to submit may result in disciplinary action, including dismissal.

A member may also be required to furnish financial disclosure information when such information relates to the investigation.

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209.9 PRIVACY RIGHT

A member's supervisor or the assigned IA investigator, with the approval of the Sheriff or Undersheriff, may inspect or search all Sheriff's Office owned desks, lockers, storage spaces, rooms, offices, work areas, vehicles, equipment, as well as computer hard drives, storage files, disks, and tapes including, but not limited to, computer storage mechanisms and personal effects that are brought to the work place.

(a) The aforementioned search may occur at any time, without prior notice, and regardless of whether a personal lock is attached, or a password or similar security mechanism is in place to restrict access.

Communications facilities and devices within or surrounding the Office may be monitored at any time under conditions permitted by law.

(a) Other types of communications or conversations may be monitored at any time, under conditions permitted by law.

209.10 DISPOSITIONS

When an IA investigation is completed the investigative packet is forwarded to the affected Division Supervisor. The Sheriff and Undersheriff also review the investigation prior to designating a final disposition.

Decision makers reviewing the investigation may consider evidence not admissible in a criminal proceeding, including compelled statements and polygraph examinations.

(a) The disposition of an internal affairs complaint is not conditioned on resolution of criminal charges filed against the complainant or against a member who is a subject of the investigation.

After reviewing the investigative reports, the affected Division Supervisor consults with the Undersheriff or Sheriff and determines the final disposition.

The final disposition for each allegation of a complaint, not assigned as an SR, is classified in one of the following ways:

(a) **Substantiated:** The investigation supports the allegation(s) in full, or in part.

(b) **Exonerated:** The facts of the allegation(s) are not in dispute; however, the member's conduct was reasonable and appropriate given the circumstances.

(c) **Unfounded:** The allegation(s) was false, disproved, and/or unsupported by the evidence.

(d) **Inconclusive:** The investigation did not produce sufficient evidence to either prove or disprove the allegation(s).

Discipline is administered, when applicable, as provided in Policy 1032, Disciplinary Actions and Appeals.

The investigating officer does not make recommendations concerning discipline, or suggest a case disposition, in any of the investigative reports.

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209.11 NOTIFICATIONS

After completion of the IA investigation and final disposition, the Division Supervisor notifies the complainant and the member of the outcome of the investigation and documents this notification for inclusion in the IA file.

Complainants are not advised of the specific disciplinary action taken unless authorized by the Sheriff.

Copies of this policy are available to members of the general public upon request.

In accordance with case law requiring the District Attorney’s Office to provide information to a defense attorney as to the credibility of a witness, (i.e. Brady v. Maryland, Giglio v. United States, etc.) it is the responsibility of the Undersheriff to ensure the District Attorney’s Office is provided with the identity of any deputy or member found to have been untruthful in any aspect of an IA or SR investigation.

209.12 FILE STORAGE AND RETENTION

A Division Supervisor is designated by the Sheriff to maintain IA investigative files.

The files are to be physically located in file storage containers that are lockable and placed in a room that has limited access.

IA investigative files are maintained for the duration of a person’s employment with the Sheriff’s Office, plus five years.

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Office and Records Section Financial Procedures

210.1 PURPOSE AND SCOPE

The Montezuma County Sheriff’s Office has implemented the following financial policy and oversight for the Administration Division office procedures and Records Section.

210.2 POLICY

The Sheriff retains responsibility for the finances of the Montezuma County Sheriff's Office and has delegated that authority to the following members. The Administration Division Supervisor oversees all the financial operations of the Office to include Civil Process, Administrative Assistants, and the Records Section.

210.3 CIVIL PROCESS SECTION PROCEDURES

Procedure for the collection of fees for the Civil Process Section are as follows:

Civil Processing

(a) A receipt is provided from the appropriate receipt book and a copy is given to person the fees are received from.

(b) Balance from receipts and deposit from civil funds are performed every Friday and deposited into the County General Fund.

Collection of fees from the general public:

(a) Fees collected for fingerprints and UPS/Pre Trial/Work Release and traffic citations are delivered to the designated Administrative Assistant and are included in the monthly Treasurer’s Report.

Collection of certified funds for Commissary from the Detention Center (cashier’s checks, money orders, and checks):

(a) Balance is performed in the current authorized system and deposit funds every Friday into the Inmate account.

Collection of funds from the Detention Center (received from booked inmates) each Friday:

(a) Balance is performed in the current authorized system and deposit funds every Friday into the Inmate account.

Collection of funds from the Front Lobby Kiosk (Commissary funds):

(a) Balance is performed in the current authorized system and deposit funds every Friday into the Inmate account.

All collected cash funds will be performed by two authorized and assigned Administative Division members during normal business hours only, and properly secured for deposit.

Refund monies from the Inmate account are made to:

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(a) Inmates that are to be transported to other facilities.

(b) Inmates that are released from the Detention Center.

(c) Refunds that are under the amount of $5.00 are made in cash with receipt.

(d) Refunds that are made over the amount of $5.00 are made by check (checks of $100.00 require two signatures).

Refund monies from the General Funds account are made to:

(a) ASP for overpayment. Overpayments must have a letter of authorization from ASP before monies can be refunded.

210.4 ADMINISTRATIVE ASSISTANT PROCEDURES

(a) Procedure for the collection of fees or funds for the designated Administrative Assistants are as follows:

Collection of funds or fees from the public

(a) For ASP (Pre Trial/UPS/Work Release) traffic citations, fingerprints, and records fees.

(b) Funds or fees collected will be delivered to the Treasurer Office for deposit on the last day of the month.

(c) Funds or fees are documented by receipt in the appropriate receipt book and amounts are entered into the Treasurers Report.

Grant checks, Prisoner Maintenance (Hold Fees)

(a) Grant program checks received for reimbursements are delivered to the Treasurer Office for deposit on the last day of the month.

(b) All funds received are documented by receipt in the General Funds receipt book and information is entered into the Treasurers Report

Collection of funds for Civil Processing

(a) Funds collected are placed in the corresponding money bag for Civil Process for deposit.

Collection of funds for Cash Bonds

(a) Money is deposited into the General account the week it is received.

(b) A receipt is provided from the Cash Bond receipt book.

Monthly Check received from the County

(a) Check is deposited in the General account the week it is received.

(b) A receipt is provided from the General Funds receipt book.

Petty Cash Account (access is limited to the designated Administrative Assistant and Administrative Division Supervisor)

(a) Petty Cash Account balance cannot exceed $150.00.

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(b) Cash removed from Petty Cash requires a receipt.

(c) All transactions are recorded in the Petty Cash account book and balanced monthly.

Town of Dolores and Ute Mountain Casino Reimbursement Checks

(a) Amounts received is documented by receipt into the Town of Dolores and Ute Mountain Casino receipt books.

(b) Checks received are delivered to the Treasurer Office for deposit on the last day of the month and amount is entered into the Treasurer's Report.

Per Diem for approved Prisoner Transport and Trainings

(a) Check is issued out of the General account.

(b) Any check issued over $100.00 requires two signatures.

Bills (Past Due, Small Amount, or paid in advance to avoid late payment fees)

(a) Check is issued out of General account.

(b) Any check over $100.00 requires two signatures.

Office Credit Cards

(a) Assigned out to members for approved Prisoner Transports, Trainings, and approved purchases.

(b) Receipts required for all purchases, and must contain the member's signature and employee number.

(c) Monthly bill is balanced with receipts turned in by member with assigned credit card.

210.5 RECORDS SECTION

The Records Section receives cash, personal checks, and occasionally money orders for the following services:

(a) Printed reports or photocopies, redacting, agency criminal history, photographs, electronic off site/on site document review, and sex offender registration.

All funds collected are taken to the Front Office, placed in the appropriate bag with receipt and deposited by the Administrative Assistant.

Records Section members also collect funds/fees and provide receipts to persons that the funds/ fees are received, while assigned to assist the Front Administrative Office.

All time cards for all members must be signed by their supervisor before being submitted to the Records Section for payment by the County Administration Office.

210.6 ADMINISTRATION DIVISION OPERATION RESPONSIBILITIES

All accounts will be balanced monthly.

All checks issued over $100.00 are REQUIRED to have two signatures.

Office check stock will be stored in the Administration Division safe.

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Office and Records Section Financial Procedures

All checks and money will be locked in the Administration Division safe at the end of each day as part of the Office closing procedures.

Any invoice that will be late if turned in for payment to the County Administration during our regularly scheduled payment time will either be submitted early for payment or paid out of the General account so as not to incur late fees.

All invoices shall be marked paid and reconciled monthly after being scanned with the date paid and the check number issued for payment.

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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 member 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

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Serious bodily injury - An injury that presents a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Totality of the circumstances - All facts and circumstances known to the deputy at the time, taken as a whole, including the conduct of the deputy and the subject leading up to the use of force.

Intent – The officer’s perception of a threat or imminent threat the person presents to the officer or others based on the totality of the circumstances. The perception must be based on objective factors.

Citizen Contact - Only the person(s) a deputy has reasonable suspicion to detain for a crime or law/ordinance violation must be entered into the data base a s a contact. It does not include any witness or victim.

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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 Montezuma 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.

300.2.1 DUTY TO INTERVENE AND REPORT

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

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 ADDITIONAL INTERVENTION AND REPORTING

A deputy shall also intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted by CRS § 18-1-707.

An on-duty deputy who witnesses another peace officer using force in excess of that permitted by CRS § 18-1-707 shall report such use of force in writing to the deputy's immediate supervisor. Such report shall be within 10 days of the occurrence and include the date, time, and place of the occurrence; the identities, if known, and description of the participants; a description of the events and the force used; and must be included with all other reports of the incident (CRS § 18-8-802).

A deputy shall intervene to prevent or stop another peace officer from using or directing the use of ketamine to effect an arrest, detention, restraint, transport, or punishment; to prevent the escape from custody; or to facilitate ease and convenience in the law enforcement encounter and report the intervention as required by CRS § 18-8-805 and 4 CCR 901-1:17.

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

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

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enforcement purpose. Ability, opportunity, and intent must all be present for the officer to articulate the justification of deadly physical force. The absence of one or more of these elements presents a risk to an officer, which allows for officers to de-escalate. When all three of these elements are present, there is a threat, rather than a risk.

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.

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 this 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.

When physical force is used, deputies will:

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

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

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 (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).

(d) The effects of suspected drug or alcohol use.

(e) The individual's mental state or capacity.

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(f) The individual's ability to understand and comply with deputy commands.

(g) Proximity of weapons or dangerous improvised devices.

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

(i) The availability of other reasonable and feasible options and their possible effectiveness.

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

(k) Training and experience of the deputy.

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

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

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

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

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

(q) Prior contacts with the individual or awareness of any propensity for violence.

(r) Any other exigent circumstances.

300.3.2 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.

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

(c) Whether the individual 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.

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. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be

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restricted. Deputies are encouraged to use techniques and methods taught by the Montezuma County Sheriff's Office for this specific purpose.

300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION
When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.5 PROHIBITION ON CHOKEHOLDS
A deputy is prohibited from using a chokehold upon another person, unless deadly force is justified. A chokehold is defined as a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible. It also includes pressure to stop the flow of blood to the brain via the carotid arteries (CRS § 18-1-707).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts or that doing so would unduly place deputies or other persons at risk of injury or death (CRS § 18-1-707).

Use of deadly force is justified in the following circumstances involving an imminent threat or an imminent risk:

(a) A deputy may use deadly force to protect themself or others from what the deputy reasonably believes is an imminent threat of death or serious bodily injury.

(b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, a deputy shall not use deadly force against a person whose actions are a threat solely to themself or property unless the person poses an imminent danger of death or serious physical injury to the deputy or others in close proximity.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the deputy or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the deputy believes the individual intends to do so.

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300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective, and involve additional considerations and risks. 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.

Driving a motor vehicle and proper lawful use of a firearm in the performance of a Colorado peace officer duties are both separate and highly disciplined trained skills that cannot be performed safely at the same time and provide for the safety of the public. Deputies are prohibited from shooting or discharging a firearm while operating a moving motor vehicle.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.Discharging a firearm at a vehicle, whether or not it is moving, with the sole intent of disabling the vehicle is prohibited unless the deputy is authorized to use deadly force against all occupants of the vehicle.

300.4.2 CHOKEHOLDS

Unless deadly force is justified, a member shall not apply pressure to a person’s neck that is sufficient to make breathing difficult or impossible, including, but not limited to, any pressure to the throat or windpipe that may prevent or hinder breathing or reduce intake of air (chokehold) (CRS § 18-1-707 (2.5)).

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. 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. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of the conducted energy device or control device.

(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

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(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO COLORADO DIVISION OF CRIMINAL JUSTICE

Statistical data regarding all qualifying incidents shall be reported to the Colorado Division of Criminal Justice as required by CRS § 24-31-903 (see the Records Section Policy). For the purposes of this section, a qualifying incident means any (CRS § 24-31-903):

(a) Incident involving the use of force by a deputy that results in death or serious bodily injury.

(b) Incident involving the use of force by a deputy that involved the use of a weapon.

(c) Contact with the public conducted by deputies, including entries into a residence.

(d) Instance of unannounced entry into a residence.

300.6 PEACE OFFICER USE OF FORCE REPORTING REQUIREMENTS

Any peace officer who witnesses another peace officer use a level of force that exceeds the level permitted by state statute is required to report that use of force to his or her immediate supervisor in accordance with C.R.S. 18-8-802.

(a) Any deputy, whether or not certified as a state peace officer - who witnesses the use of force by any other deputy or peace officer that exceeds the level of force permitted by state statute is to make a report to his/her immediate supervisor as soon as practical and no later than the witnessing deputy’s end of shift.

(b) Any deputy who receives information from any Sheriff’s member regarding the witnessed use of force by a deputy or other peace officer that the member believes exceeds the level of force permitted by state statute is required to make a report to his/her immediate supervisor.

1. The initial report may be verbal. However, in every case the verbal report is to be followed up with a written report within 24 hours. The report is to include the date, time, and place of the occurrence; the identity and/or description of the participants; and a description of the events and force used.

2. The written report is submitted to the members Division Supervisor within the 24-hour time period. The Division Supervisor will inform the Undersheriff and Sheriff of the report’s existence and provide a copy to each as soon as practical.

3. If the officer or officers who allegedly used excessive force are members of the Montezuma County Sheriff's Office, an internal affairs investigation is initiated.

4. If the officer or officers who allegedly used excessive force are employees of another law enforcement agency the Undersheriff or the Sheriff will transmit the report to the person designated by that agency to receive and investigate such reports.

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300.6.1 INVESTIGATIONS
The Sheriff, Undersheriff, and affected Division Supervisor assess each incident where force is used. If there is reason to believe that a member used excessive force, the Internal Affairs Policy will be applied.

In any case where a deputy discharges a firearm at another person an investigation is initiated. (See 22nd Judicial District Officer Involved Shoot Team Policy and the Montezuma County Sheriff's Office Policy 305 and Internal Affairs Policy).

Investigations may be initiated for the purpose of furthering knowledge of the adequacy of training, equipment, or tactics. The Sheriff will decide which option to use based on the circumstances.

300.7 MEDICAL CONSIDERATIONS
Once it is reasonably safe to do so, medical assistance shall be 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 physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is 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).

Individuals 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 away.

See the Medical Aid and Response Policy for additional guidelines.

300.8 SUPERVISOR RESPONSIBILITY
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:

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) 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 retained until all potential for civil litigation has expired.

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation 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.

300.8.1 DIVISION COMMAND SUPERVISOR RESPONSIBILITY

All Division Lieutenants shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.9 ADMINISTRATIVE ACTIONS

When a member uses force in the line of duty and death results, the member is placed on administrative leave pending the outcome of a use of force investigation.

When a member uses force in the line of duty and injury results, the member may be placed on administrative leave, at the discretion of the member’s Division Supervisor and/or Undersheriff, pending the outcome of a use of force investigation.

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It is the responsibility of the affected member Division Supervisor, after consulting with the Undersheriff and/or Sheriff, to decide the duration of administrative leave. The factors the Division Supervisor should consider in making the decision include, but are not limited to, the following:

- The type of force used and the result of that use of force.
- The outcome of the investigation into the use of force incident.
- The mental and physical condition of the affected member.
- Professional assistance may be sought to evaluate the member's current mental and physical condition.
- Any ongoing needs the member may have as a result of the use of force.

300.10 TRAINING

Deputies shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, deputies should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.10.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.11 USE OF FORCE ANALYSIS

At least annually, each Division Lieutenant should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Montezuma County Sheriff's Office to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

301.2 POLICY

The Montezuma County Sheriff's Office will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately, and is consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using office equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Sheriff may exercise discretion and choose not to place a member in an administrative assignment in any case.

301.4 REVIEW BOARD

The Use of Force Review Board may be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board may also investigate and review the circumstances surrounding every discharge of a firearm, whether the member was on- or off-duty, excluding training or recreational use.

The Sheriff may request the Use of Force Review Board to investigate the circumstances surrounding any use of force incident.

The Undersheriff may convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Supervisor of the involved member to notify the Undersheriff of any incidents requiring board review. The involved member's Division Supervisor will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD

The Undersheriff or Division Supervisor should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member’s chain of command
- Training Manager

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- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency
- Office instructor for the type of weapon, device, or technique used

Selection of the Use of Force Board may consist primarily of personnel from other law enforcement agencies and civilians from private industry in the four states area.

The senior ranking command representative who is not in the same division as the involved member may serve as chairperson.

301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved member to appear. The involved member will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Sheriff will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the deputy at the time of the incident, applying any legal requirements, office policies, procedures, and approved training to those facts. Facts later discovered but unknown to the deputy at the time shall neither justify nor call into question a deputy's decision regarding the use of force.

Any questioning of the involved member conducted by the board will be in accordance with the office's disciplinary procedures, the Personnel Complaints Policy, and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The member's actions were within office policy and procedure.

(b) The member's actions were in violation of office policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Sheriff.

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The Sheriff shall review the recommendation, make a final determination as to whether the member's actions were within policy and procedure and will determine whether any additional actions, investigations, or reviews are appropriate. The Sheriff's final findings will be forwarded to the involved member'sDivision Lieutenant for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any reviews, original and all copies of all relevant reports and information will be filed with the Sheriff. The reports and findings of the Use of Force Board are not authorized for release as provided by Colorado Law.

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Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The Montezuma 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.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Montezuma 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.

302.3.1 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.

302.3.2 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.

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless the juvenile is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure themself, injure the deputy, or damage property.

A deputy working as a school resource officer or responding to a public or charter school or its property, vehicles, or school-sanctioned events shall not restrain a juvenile unless allowed by law and only for the following reasons (CRS § 22-15.5-103):

(a) The juvenile openly displays a deadly weapon.

(b) The juvenile poses a danger to themself or others during an arrest that requires transport.

(c) There is an emergency, and less restrictive measures either would be ineffective or have failed (CRS § 22-15.5-102).

302.3.4 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

302.4 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.

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302.5 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.

302.6 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.

302.7 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).

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302.7.1 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 his/her 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 his/her 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.

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a deputy when requested by medical personnel. The transporting deputy should describe to medical personnel any unusual behaviors or other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 REQUIRED DOCUMENTATION

If a person 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 a person is arrested, the use of handcuffs or other restraints shall be documented in the related report:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person’s behavior and any signs of physiological problems.

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

302.9 TRAINING

The Training Manager should ensure that deputies receive periodic training on the proper use of handcuffs and other restraints, including:

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(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

302.10 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

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 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.

303.4 RESPONSIBILITIES

303.4.1 DIVISION SUPERVISOR RESPONSIBILITIES

The Division Supervisor may authorize the use of a control device, other than tear gas and pepper projectile systems, by selected personnel or members of specialized units who have successfully completed the required training. Tear Gas and Pepper Projectile Systems use must be authorized by the Sheriff.

303.4.2 CERTIFIED FIREARMS INSTRUCTOR RESPONSIBILITIES

The Certified Firearms Instructor 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.

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

303.4.3 USER RESPONSIBILITIES

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

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Certified Firearms Instructor for disposition. A Inter-Office Memorandum for Damage to County property shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 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.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances. Only the Sheriff may authorize the delivery and use of tear gas, 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 tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

303.7 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.

303.7.1 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.

303.7.2 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

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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.

Deputies encountering a situation that warrants the use of a pepper projectile system shall request authorization from the Sheriff before any deployment.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. Unintentional 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.

303.7.3 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.

303.8 POST-APPLICATION NOTICE

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

303.9 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.

In a response to a protest or demonstration, Deputies and any other person acting on behalf of the Montezuma County Sheriff shall not:

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

(b) Discharge any kinetic impact projectiles indiscriminately into a crowd.

(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.

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303.9.1 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.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject’s clothing.

(d) The subject’s proximity to others.

(e) The location of the subject.

(f) Whether the subject’s actions dictate the need for an immediate response and the use of control devices is lawfully authorized and appears appropriate.

A verbal warning of the intended use of the device 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 give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck 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.

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303.9.3 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 at the beginning of each shift 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.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the deputy shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.9.4 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).

303.10 TRAINING FOR CONTROL DEVICES

The Training Manager 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.

303.11 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 Use of Force Policy.

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303.12 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

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Conducted Energy Devices (CEDs).

304.2 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.

304.3 ISSUANCE AND CARRYING CEDS

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

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’s inventory.

Deputies shall only use the CED and cartridges that have been issued by the Office. Uniformed deputies who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed deputies may secure the CED in the driver’s compartment of their vehicle.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform, deputies, including Detention and Court Security Deputies, shall carry the CED in a weak-side holster on the side opposite the duty weapon.

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

(b) Whenever practicable, deputies should carry two or more cartridges on their person when carrying the CED.

(c) Deputies shall be responsible for ensuring that their issued CED is properly maintained and in good working order.

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

304.3.1 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.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Certified Instructor 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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304.4 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, activate any warning on the device, which may include display of the electrical arc, an audible warning, 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.

304.5 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.

304.5.1 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.

304.5.2 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.

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(b) Elderly individuals or obvious juveniles.

(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).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

304.5.3 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.

304.5.4 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.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

304.5.5 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

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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

304.5.7 OFF-DUTY CONSIDERATIONS
Deputies are not authorized to carry office CEDs while off duty.

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.

304.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, 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 a office-approved process to preserve the data.

304.6.1 CED REPORT FORM
As applicable based on the device type, items that shall be included in the CED report form are:

(a) The brand, model, and serial number of the CED and any cartridge/magazine.

(b) Date, time, and location of the incident.

(c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.

(d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the CED was used.

(f) The type of mode used (e.g., probe deployment, drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any deputies sustained any injuries.

The Training Manager should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Manager should also conduct audits of CED

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device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 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.

(f) The Use of Force form shall be completed in addition to the arrest/crime report.

304.7 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 shall be transported to a medical facility for examination or medically 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.

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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).

304.8 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 a Certified Instructor and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

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 Manager. 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 Manager 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 Manager 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.

(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.

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(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 and Deaths

305.1 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 or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy.

In other incidents not covered by this policy, the Sheriff may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Montezuma County Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, complete, fair, and impartial manner.

305.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect’s actions.
- A criminal investigation of the involved officer’s actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the Montezuma County Sheriff's Office would control the investigation if the suspect’s crime occurred in Montezuma County.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff, and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved deputy's conduct during the incident will be determined by the employing agency's protocol. When a deputy from this office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Sheriff or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved MCSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

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

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

(c) Request additional resources from the Office or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved MCSO supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any MCSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.

(a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.

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(b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Patrol Lieutenant and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional MCSO members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved MCSO deputy should be given an administrative order not to discuss the incident with other involved officers or MCSO members pending further direction from a supervisor.
2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

305.5.3 PATROL LIEUTENANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Patrol Lieutenant shall be responsible for coordinating all aspects of the incident until relieved by the Sheriff or the Detective Division Lieutenant.

All outside inquiries about the incident shall be directed to the Patrol Lieutenant.

305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Detective Division Division Lieutenant
- Southwest Colorado Officer Involved Investigations Team rollout team
- Outside agency investigators (if appropriate)
- Internal Affairs supervisor
- Civil liability response team
- Psychological/peer support personnel
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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1. Involved MCSO deputies shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-MCSO officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/member groups will be privileged only as to the discussion of non-criminal information.

(d) A licensed psychotherapist shall be provided by the Office to each involved MCSO deputy. A licensed psychotherapist may also be provided to any other affected MCSO members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
4. Communications between the involved deputy and a peer support member are addressed in the Wellness Program Policy.

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

Each involved MCSO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death or appropriate duty reassignment as agreed upon by the involved deputy and the Office to allow the deputy to receive services and manage the impact of the incident on the deputy and the deputy's family and significant others. It shall be the responsibility of the Patrol Lieutenant to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

The 22nd Judicial District Officer-Involved Shoot Team will be activated and responsible for the investigation into the circumstances of any officer-involved shooting or death.

Personnel from this office may be assigned to partner with investigators from outside agencies as detailed in the signed 22nd Judicial District Officer-Involved Shoot Team policy and protocol agreement to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

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(a) MCSO supervisors and Internal Affairs personnel should not participate directly in any voluntary interview of MCSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED MCSO DEPUTIES

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

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

Nothing in this section shall be construed to deprive an involved MCSO 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 but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable 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 law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

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1. When feasible, a recorded statement should be obtained from those persons 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, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(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 a member of the Office.

(a) 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 transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators will be assigned to work with investigators from the22nd Judicial District Officer-Involved Shoot Team and may be assigned to separately handle the investigation of any related crimes not being investigated by the 22nd Judicial District Officer-Involved Shoot Team and/or District Attorney's Office.

All related office reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Lieutenant.

305.6.4 MULTI-AGENCY INVESTIGATION

Officer-involved shootings that result in injury or death, or other use of force resulting in death by a deputy, shall be investigated by a multi-agency team known as the 22nd Judicial District Officer-Involved Shoot Team. The multi-agency team shall include at least one other police or sheriff’s agency or the Colorado Bureau of Investigation. The Sheriff or the authorized designee shall ensure this protocol is posted on the Montezuma County Sheriff's Office website and is available to the public upon request (CRS §16-2.5-301).

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved MCSO deputies to determine

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conformance with office policy. This investigation will be conducted under the supervision of the Internal Affairs and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to office policies (see the Personnel Complaints Policy) and applicable laws.

(a) Any deputy involved in a shooting or death may be requested or 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 investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that 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 shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved deputy has elected not to provide criminal investigators 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 an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy’s statement, involved deputies shall not consult or meet with a representative 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. If a deputy refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

    5. The Internal Affairs shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.

    6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member 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 but shall be given reasonable access to all other investigations.

305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or County Attorney’s Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Montezuma County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administrative Services Division Supervisor is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing shall only include those members of the Office directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Office, including supervisory and Internal Affairs personnel.

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305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Patrol Lieutenant, Detective Division Lieutenant and Public Information Officer in the event of inquiries from the media.

No involved MCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff.

Office members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 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.

305.13 PROTOCOLS FOR RETURN TO DUTY

The Office shall take steps to facilitate returning office members 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).

305.13.1 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 (CRS § 16-2.5-403):

(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.

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305.13.2 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, either in person or through telehealth services (CRS § 16-2.5-403).

305.14 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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Firearms

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing 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.

306.1.1 AUTHORIZATION TO CARRY FIREARMS

Only certified personnel who have met all Sheriff's Office 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 and off duty (CRS § 16-2.5-101).

306.2 POLICY

It is the policy of the Montezuma County Sheriff’s Office to require deputies assigned to certain law enforcement positions to be armed with a firearm when on duty. The firearm is intended for use as prescribed by Colorado state law and in accordance with Sheriff’s Office policies concerning the use of force.

It is the policy of the Montezuma County Sheriff’s Office that all deputies required or authorized to carry a firearm on duty are trained in the use and care of that firearm. The Sheriff has delegated the responsibility of developing, implementing, and updating firearms use and care training sessions to specific POST-certified supervisors and deputies. These training sessions are scheduled periodically and are mandatory for all deputies who are required or authorized to carry a firearm on-duty.

In an emergency situation a deputy is authorized to take whatever steps are necessary to protect life or prevent an attempt by another to inflict serious bodily injury on any person, including using or adapting an item for use as a weapon.

306.3 DEFINITIONS

Primary-duty handgun - Carried by a deputy while performing a normal duty assignment.

Off-duty handgun - Carried by a deputy when the deputy is off duty. It may be the same handgun used by the deputy as a primary or back-up handgun.

Back-up handgun - Carried by a deputy during normal duty assignments as a back up to the primary duty weapon in the event the deputy’s primary duty weapon becomes unusable.

306.4 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Certified Firearms Instructor. Except in an emergency or as directed

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by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized office range.

All other weapons not provided by the Office, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons, or any weapon prohibited or restricted by law or that is not covered elsewhere by office policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Division Lieutenant. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

Each deputy required or authorized to carry a firearm on or off duty who purchases a handgun or other firearm is responsible for ensuring that the handgun or other firearm meets all specifications described in this policy.

(a) Any approved handgun, or other firearm, purchased by a deputy pursuant to this policy is the sole property of that deputy.

(b) The care, maintenance and repair of all personally owned firearms are the responsibility of the owner.

(c) The care and maintenance of all departmental firearms assigned to a deputy are the responsibility of that deputy.

Only handguns of authorized calibers and manufacturer are permitted as primary, off-duty or back-up weapons. The Undersheriff and Sheriff determines the authorized manufacturers and calibers.

306.4.1 HANDGUNS
The authorized office-issued handgun is the Sig Sauer model P320 (effective 2017).

The following additional handguns are approved for on-duty use:

(a) Authorized manufactures for primary (on-duty) include Glock, Smith & Wesson, Sig Sauer, and Springfield.

(b) The following specifications are required for all authorized handguns:

(a) (a) Authorized primary (on-duty) weapons will be a double action semi-automatic handgun with either an internal safety or external de-cocking lever/safety.

(b) Capacity of a minimum of six rounds for a primary (on-duty) handgun. Primary on-duty handgun magazines will be loaded to full capacity with authorized duty ammunition.

(c) Authorized calibers for primary (on-duty) handguns are the.45 caliber,.40 caliber, and 9mm caliber for patrol, detective, and certified reserve deputies.

(d) Authorized calibers for primary (on-duty) handguns is the.40 caliber and 9mm caliber for detentions deputies.

(b)

(c) Handguns must be registered with the Sheriff's Office and inspected by an Office certified armorer or certified gunsmith for reliability and safety. The handguns must

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operate in accordance with the manufacturer's original specifications and will be inspected annually for reliability and serviceability.

306.4.2 SHOTGUNS

The authorized office-issued shotgun is the Remington 870P 12 gauge. Only shotguns owned by the department with proven reliability and of specific design as determined by the Sheriff's Command Staff are authorized.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an **empty chamber**, the trigger pulled to release the hammer and the safety in the safe position.

Only Sheriff's Office-issued less-lethal ammunition is authorized.

(a) Less-lethal shotgun ammunition must be factory loaded, with proven reliability and of the specific design as directed by the Sheriff's Command Staff.

(b) Various types of shotgun ammunition may be utilized during training as approved.

The Sheriff, Undersheriff, or Division Supervisors may authorize specific deputies to carry and use a shotgun loaded with lethal ammunition.

SRT team members are authorized to use a variety of types of lethal, and less lethal, shotgun ammunition as per their standing operating procedures and as determined by mission requirements.

306.4.3 PATROL RIFLES

The authorized office-issued patrol rifle is the Colt AR-15 223. Only approved and Sheriff's Office-issued rifles and ammunition are authorized to be carried on duty. The specific make, model, and caliber is determined by the Sheriff's Command Staff.

Only department-issued ammunition is authorized for use. All on-duty rifle magazines will be loaded to full capacity.

The officer assigned to the patrol rifle is responsible for its care and maintenance; the department is responsible for its repair.

Members may deploy the patrol rifle in any circumstance where the member 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 member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

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(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the **chamber empty**, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

306.4.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the office list of approved firearms.

(b) The firearm shall be inspected by an Office approved certified armorer or certified gunsmith prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Certified Firearms Instructor, who will maintain a list of the information.

306.4.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry approved personally owned secondary or back-up handguns are subject to the following restrictions:

(a) (a) The handgun shall be in good working order and on the office list of approved firearms.

(b) Authorized calibers for off-duty and backup weapons to be no less than.380 caliber. Ammunition must be approved.

(c) Capacity of a minimum of five round capacity for a back-up or off-duty handgun.

(d) Only one secondary handgun may be carried at a time.

(e) The purchase of the approved handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.

(f) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.

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(g) The handgun shall be inspected by theOffice approved and certified armorer or certified gunsmith prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(h) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.

(i) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(j) Members shall provide written notice of the make, model, color, serial number, and caliber of a secondary handgun to the Certified Firearms Instructor, who will maintain a list of the information.

Handguns must be registered with the Sheriff's Office and inspected by an Office approved certified armorer or certified gunsmith for reliability and safety. The handguns must operate in accordance with the manufacturer's original specifications and will be inspected annually for reliability and serviceability.

306.4.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

(a) A personally owned firearm shall be used, carried, and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.

  (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

  (b) Authorized calibers for off-duty and backup weapons to be no less than.380 caliber. Ammunition must be approved.

  (c) Capacity of a minimum of five round capacity for a back-up or off-duty handgun.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Office approved certified armorer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Certified Firearms Instructor.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Certified Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to its being carried.

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(f) Members shall provide written notice of the make, model, color, serial number, and caliber of the firearm to the Certified Firearms Instructor, who will maintain a list of the information.

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry office-authorized ammunition.

(i) When armed, deputies shall carry their badges and Montezuma County Sheriff's Office identification cards under circumstances requiring possession of such identification.

306.4.7 AMMUNITION

Members shall carry only office-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Certified Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.5 EQUIPMENT

Firearms carried on or off duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.5.1 REPAIRS AND MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Certified Firearms Instructor.

Firearms that are the property of the Office or personally owned firearms that are approved for office use may be repaired or modified only by a person who is office-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Certified Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Certified Firearms Instructor.

306.5.2 HOLSTERS

Only office-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.5.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on or off duty after they have been examined and approved by the Firearms Program Supervisor and authorized by the Sheriff. Once

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the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.5.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on or off duty after they have been examined and approved by the Firearms Program Supervisor, and authorized by the Sheriff. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.6 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Certified Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Certified Firearms Instructor or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Office, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members 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.

(g) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Certified Firearms Instructor approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Certified Firearms Instructor will be immediately removed from service. If the firearm is the member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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306.6.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Office-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.6.2 STORAGE AT HOME
Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit office-issued firearms to be handled by anyone not authorized by the Office to do so. Members should be aware that negligent storage of a firearm could result in disciplinary action and civil liability.

306.6.3 ALCOHOL AND DRUGS
Firearms shall not be carried or possessed by any member, either on or off duty, who has consumed any amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment. Any violation will result in disciplinary action to include termination.

306.7 FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting. This practical training is not a qualification.

All firearms instructors and members while performing firearms qualifications will wear ballistic vests during training.

306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION
If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status, or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

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(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

306.7.2 QUALIFICATION STANDARDS

The qualification standards, including the score required for qualification, target type, timing, distance, and other conditions, are noted in an attachment to this policy. In addition to the range course qualification, members must achieve a passing score on any written tests based on the training provided.

306.7.3 FIREARMS PROGRAM MANAGEMENT AND PROFICIENCY STANDARDS

A designated Division Supervisor is responsible for managing the firearms program and ensuring compliance with all applicable policies.

Colorado POST-certified firearm instructors assist the designated Division Supervisor as directed.

The Firearms Program Supervisor ensures written documentation of all firearms-related training and proficiency testing is recorded and maintained.

The Firearms Program Supervisor provides a firearms training attendance report to the Undersheriff and Sheriff.

The Undersheriff and Sheriff reviews and approves all firearm qualification courses prior to the course becoming the proficiency standard.

Firearms training sessions are developed by designated POST-certified firearms instructors and approved by the Firearms Program Supervisor and command staff.

Qualifying standards, when applicable, may vary depending upon the particular course of fire and training objectives.

The Firearms Program Supervisor is responsible for maintaining an accurate inventory of departmentally owned weapons and their status.

306.8 FIREARM DISCHARGE

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. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and

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Deaths Policy. 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.

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 Division Supervisor or 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, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.8.1 DESTRUCTION OF ANIMALS

Members 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.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, office members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device (CED), oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

Subject to safety concerns or other exigent circumstances, deputies should consider alternatives to the use of firearms. Such alternatives include using the deputy's CED or allowing the owner to control or remove the animal from the immediate area.

306.8.2 INJURED ANIMALS

Deputies 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 and where other dispositions are impractical. 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).

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). Authorization given to a deputy by a District Wildlife Manager with Colorado Parks and Wildlife is recommended.

Any injured or euthanized big game wildlife as defined in C.R.S. 33-6-109 (3.4) (a), to include black bear, mountain lion and bobcat, must be reported to a District Wildlife Manager with the Colorado Parks and Wildlife for carcass disposition, prior to leaving a scene or discovery. Members are

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prohibited from possessing or giving possession to others without Colorado Parks and Wildlife written authorization.

306.8.3 WARNING AND OTHER SHOTS
Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

306.8.4 NEGLIGENT DISCHARGE
If firearm discharge is the result of negligence, the involved deputy shall undergo remedial firearms training and qualification as determined by the Certified Firearms Instructor.

306.9 CERTIFIED FIREARMS INSTRUCTOR DUTIES

The range will be under the exclusive control of the Certified Firearms Instructor. All members attending will follow the directions of the Certified Firearms Instructor. The Certified Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Certified Firearms Instructor may result in non-participation or non-qualification.

The range shall remain operational and accessible to office members during hours established by the Office.

The Certified Firearms Instructor has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this office to verify proper operation. The Certified Firearms Instructor has the authority to deem any office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Certified Firearms Instructor.

The Certified Firearms Instructor has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the member is authorized to carry.

The Certified Firearms Instructor shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. The Certified Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Training Manager.

306.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to deputies who

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intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) 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 Office based on the law and published TSA rules.

(b) Deputies must carry their Montezuma County Sheriff's 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. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) The Montezuma 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 Montezuma 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.

(d) An official letter signed by the Sheriff authorizing armed travel may also 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.

(e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the office-appointed instructor.

(f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

(g) Any deputy flying while armed should discreetly contact the flight crew prior to takeoff and notify them of his/her assigned seat.

(h) 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. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) 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.

(j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours, prior to boarding an aircraft.

306.11 TRAINING

In addition to general training regarding the use of firearms, the Training Manager 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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Firearms Training will also include Colorado State Statue revisions as to the Use of Force/Use of Deadly Force by Peace Officers as provided by C.R.S. 18-1-707(2)(a); 18-1-707(3); 18-1-707(4); 18-1-707(4.5; and President Executive Order No. 13929 that includes prohibiting the use of warning shots, warn before shooting and shooting at or from a moving vehicle. See Use of Force Policy. See attachment: USDOJ Executive Order 13929.pdf

306.11.1 ADDITIONAL REQUIREMENTS

Before being authorized to carry any firearm, members will be given access to and receive training on this policy and the Use of Force Policy. Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review and understand both policies.

306.11 CARRYING FIREARMS OUT OF STATE

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 Montezuma 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).

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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Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicle pursuits require deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing deputies (CRS § 42-4-108).

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly, or driving in a legal manner but willfully failing to yield to a deputy's signal to stop.

Municipality - Incorporated cities and towns. In Montezuma County the cities and towns that meet this definition are: Cortez, Dolores, and Mancos.

Unincorporated Montezuma County - Any area in Montezuma County outside of a city or town limits of a municipality, except the Ute Mountain Ute Indian Reservation.

Primary Unit - The primary unit is the marked police vehicle initiating the pursuit, or the marked police vehicle that takes the lead position in the event the initiating vehicle relinquishes the lead position.

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Agency of Jurisdiction - The police department, town marshal, or sheriff's office that has primary jurisdiction for the location where the pursuit is currently occurring.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire deflation device, spikes, or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

307.3 DEPUTY RESPONSIBILITIES

It is the policy of this office that a vehicle pursuit shall be conducted using a marked and authorized emergency vehicle that is equipped with a siren and horn, and at least one signal lamp mounted as high as practicable and is capable of displaying a flashing, oscillating, or rotating red light visible from the front (CRS § 42-4-213).

The following policy is established to provide deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway.

307.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit in unincorporated Montezuma County, outside of municipalities, when there are reasonable grounds to believe the offender being pursued has committed, attempted to commit, or is about to commit a serious felony (not including vehicular eluding).

Information, which is used to justify a pursuit, must be information that is known to the deputy initiating the pursuit at the time the decision to pursue is made.

(a) Pursuits in these circumstances are not authorized if the risk to life and property caused by the pursuit outweighs the potential benefit that might result from successful apprehension of the offender.

Deputies and supervisors must consider the type and nature of the felony and ensure that a pursuit is terminated when the suspected crime is a low-level felony and that the suspect will not create a substantial risk to the public if allowed to temporarily avoid apprehension.

Deputies may initiate a pursuit or continue to pursue offenders only on Colorado Highway 160/491 and Colorado Highway 41 within the boundaries of the Ute Mountain Ute Indian Reservation, unless the operator of the vehicle is known or reasonably suspected of being a Native American.

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (CRS § 42-4-107).

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

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(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to deputies, innocent motorists, and others.

(c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(f) The pursuing deputy's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(g) The weather, traffic, and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages).

(k) The availability of other resources, such as aircraft assistance.

(l) sheriff's deputies

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the deputy or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, deputies will immediately terminate the pursuit. Pursuit termination will include the discontinued use and operation of emergency lights and siren, lowering deputy vehicle speed to the lawful limit, and either coming to a complete stop or changing direction of travel as soon as practical.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Deputies and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

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In addition to the factors that govern when to initiate a pursuit, other factors should be considered when deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the deputies, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.4 PURSUIT UNITS

Vehicle pursuits should be limited to no more than two sheriff's office vehicles. However, the number of vehicles involved will vary with the circumstances.

A deputy or supervisor may request that additional vehicles 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 number of suspects. All other deputies shall stay out of the pursuit but should remain alert to its progress and location. Any deputy who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Deputies operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit (CRS § 42-4-213). Deputies in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws. Those deputies should discontinue such support immediately upon arrival of a sufficient number of authorized emergency sheriff's office vehicles or any air support.

307.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the deputy initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

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The primary unit should notify the Dispatch Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

(a) The reason for the pursuit.

(b) The location and direction of travel.

(c) The speed of the fleeing vehicle.

(d) The description of the fleeing vehicle and license number, if known.

(e) The number of occupants.

(f) The identity or description of the known occupants.

(g) The weather, road and traffic conditions.

(h) The identity of other agencies involved in the pursuit.

(i) Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.

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.

307.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second deputy in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

(a) Immediately notifying the dispatcher of his/her entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary unit is unable to continue the pursuit.

(c) Broadcasting information that the primary pursuing deputy is unable to provide.

(d) Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(e) Identifying the need for additional resources or equipment as appropriate.

(f) Serving as backup to the primary pursuing deputy once the subject has been stopped.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this office that available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office. The Sheriff must be immediately notified of a vehicle pursuit.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

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(a) Upon becoming aware of a pursuit, immediately notifying involved deputies and the Dispatch Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Office guidelines.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) 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.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft assistance is requested, if available.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(i) Controlling and managing MCSO units when a pursuit enters another jurisdiction.

(j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

307.5.1 DUTY TO APPREHEND

When a decision is made to terminate a pursuit, deputies are responsible for attempting to identify, locate, and apprehend the suspect through other means.

307.5.2 DEPUTIES NOT INVOLVED IN THE PURSUIT

Deputies who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route, and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those deputies should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the sheriff's office vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle, and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other deputies are assigned to the pursuit.

307.6 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this office or such is imminent, involved units should, whenever

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available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.6.1 PATROL LIEUTENANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Patrol Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Lieutenant has the responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

The Patrol Lieutenant shall review all pertinent reports for content and forward them to the Sheriff.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary deputy or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Montezuma County Sheriff's Office deputies will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Montezuma County Sheriff's Office is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the agency managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

The role and responsibilities of deputies at the termination of a pursuit that was initiated by this office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this office, the other agency should relinquish control.

307.7.2 INVESTIGATION AND JURISDICTION AT TERMINATION

Deputies are responsible for crime scene security and coordination of on-scene investigation of pursuits that terminate in unincorporated Montezuma County or the Town of Dolores.

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(a) In cases where the pursuing officers are from another law enforcement agency with jurisdiction in Montezuma County, such as the Colorado State Patrol or a federal law enforcement agency, the on-duty patrol supervisor consults with officers or supervisors from that agency to determine who will have responsibility for crime scene processing, arrestee processing, filing charges, and any other related investigatory tasks.

(b) At the discretion of the on-scene supervisor an arrestee may be released to the police agency that initiated the pursuit or to the agency with jurisdiction where the most serious violation occurred.

(c) If the pursuit is terminated on the authorized Colorado Highways as stated in (307.4.1) of this policy within the boundaries of the Ute Mountain Ute Indian Reservation, and it is determined that the suspect driver or occupants of the suspect vehicle are Native American, the crime scene, on-scene investigation, suspect driver, and occupants will be immediately released to the BIA, Tribal Police, or other federal law enforcement agency. The Montezuma County Sheriff's Office will cooperate and will assist with the investigation if requested.

At the conclusion of a pursuit that had been initiated by a Montezuma County Sheriff’s deputy, the on-duty patrol supervisor is responsible for overseeing the coordination of follow-up related to the suspect’s arrest and transport to jail, seizure of evidence, disposition of the vehicle, and other investigatory tasks.

(a) The deputy who initiated the pursuit is responsible for completing the initial crime report.

(b) All deputies who were involved in the pursuit in any capacity are individually responsible for documenting their actions or observations while involved in the pursuit, or its aftermath, in a supplemental report.

When a vehicular accident occurs as a result of the pursuit, or an occupant of the fleeing vehicle commits any criminal act while the pursuit was occurring, the law enforcement agency with jurisdiction of the location where the incident occurred is responsible for investigating and filing charges related to that incident.

(a) The supervisor responsible for coordination of the portion of the aftermath of the pursuit has the authority to attempt to have all crimes and incidents investigated by deputies when such action seems the most effective and efficient way to handle the event.

307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved deputies should broadcast pertinent information to assist other deputies in locating the vehicle. The primary pursuing deputy or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

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307.8 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing deputy or supervisor, taking into consideration the distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing deputy or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all certified members will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

307.8.2 POLICY REVIEW

Certified members of this office shall certify in writing that they have received, read, and understand this policy initially and upon any amendments.

307.8.3 OTHER CONSIDERATIONS

Assistance to an outside pursuing agency by deputies from this office shall be provided in accordance with any agreements or memorandums of understanding in place that address vehicle pursuit assistance.

307.10 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

(a) The primary pursuing deputy shall complete appropriate crime/arrest reports.

(b) The primary pursuing deputy or supervisor shall complete the appropriate pursuit report.

(c) After first obtaining the available information, the involved, or if unavailable, on-duty field supervisor shall promptly complete a supervisor's log or interoffice memorandum, briefly summarizing the pursuit to the Sheriff or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of the pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved vehicles and deputies.
5. Alleged offenses.

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6. Whether a suspect was apprehended, as well as the means and methods used.
    (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
7. Arrestee information, if applicable.
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at the scene or who handled the incident.
11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

(d) After receiving copies of reports, logs, and other pertinent information, the Sheriff shall conduct or assign the completion of a post-pursuit review, as appropriate.

(e) Annually, the Sheriff should direct a documented review and analysis of office vehicle pursuits to minimally include policy suitability, policy compliance, and training needs.

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Deputy Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

308.1.1 POLICY

It is the policy of the Montezuma County Sheriff's Office to ensure deputies are properly equipped and trained to respond quickly and arrive safely in situations requiring an emergency response in a Sheriff's Office vehicle.

308.1.2 DEFINITIONS

Emergency - A serious situation or occurrence that develops suddenly and unexpectedly and demands immediate attention.

308.2 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 the 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 homicide.
- A suicide in progress.
- A fight, riot, or other large disturbance involving injuries.

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- An assault or other 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.
- Other event involving a serious injury or the possibility of injury that may reasonably require immediate medical aid.

308.3 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 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 the Dispatch Center.

308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Patrol Lieutenant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

308.4 INITIATING EMERGENCY CALL RESPONSE

If a deputy believes an emergency response to any call is appropriate, the deputy shall immediately notify the Dispatch Center. An emergency response of more than one unit should initiate notification of and coordination by the Dispatch Center to avoid any unanticipated intersecting of response routes.

An emergency response of more than one unit should initiate notification by the Dispatch Center to the Patrol Lieutenant or field supervisor. The Patrol Lieutenant or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

308.5 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.

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(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.

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 the Dispatch Center. 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 the Dispatch Center of their determination. Any subsequent change in the appropriate response level should be communicated to the Dispatch Center by the deputy in charge of the scene unless a supervisor assumes this responsibility.

308.5.1 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 and there is no other reasonable suspicion or probable cause to stop the driver (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.

308.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy requests emergency assistance or when the available information reasonably indicates that the

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public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Patrol Lieutenant or a field supervisor prior to assigning an emergency response. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Immediately notify the Patrol Lieutenant and/or field supervisor.

(c) Confirm the location from which the unit is responding.

(d) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

(f) Control all radio communication during the emergency and coordinate assistance under the direction of the Patrol Lieutenant or field supervisor.

308.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Patrol Lieutenant 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 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 Patrol Lieutenant 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

308.8 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.

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Deputy Response to Calls

The deputy shall notify the Patrol Lieutenant, field supervisor, or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the Montezuma County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Patrol Lieutenant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Patrol Lieutenant.

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Lieutenant or the authorized designee.

The responsibilities of the coordinator include, but are 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 a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

    1. Office vehicles assigned to canine handlers may display specific markings that identify them as canine vehicles.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

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309.5 REQUESTS FOR CANINE TEAMS

Patrol Division members are encouraged to request the use of a canine. Requests for a canine team from office units outside of the Patrol Division shall be reviewed by the Patrol Lieutenant.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Patrol Lieutenant and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.

(b) The suspect 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 suspect 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.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Patrol Lieutenant. Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other deputies at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine

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momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual’s injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Law enforcement canines are generally exempt from impoundment and reporting requirements (CRS § 18-9-204.5).

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-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.

309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) A deputy who is currently off probation.

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(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Montezuma County limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

309.9 HANDLER RESPONSIBILITIES

The canine 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 canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, 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 not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Montezuma County Sheriff's Office facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler’s family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Patrol Lieutenant.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Patrol Lieutenant.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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309.9.1 CANINE IN PUBLIC AREAS

The canine should 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 canine is trained.

(a) A canine 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.

309.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

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 (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

309.11 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Patrol Lieutenant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler’s personnel file.

309.12 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Patrol Lieutenant.

309.12.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

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(a) Canine teams should receive training as defined in the current contract with the Montezuma County Sheriff's Office canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(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.

309.12.2 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. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler’s and the canine’s training file.

309.12.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Montezuma County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

309.12.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws and comply with applicable state requirements (21 USC § 823(f); CRS § 27-80-209).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Montezuma County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.12.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

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(b) The weight and test results shall be recorded and maintained by this office.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.12.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; 7 CCR 1101-9:1-4).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss

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of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

310.1 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.

310.1.1 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.

310.2 POLICY

The Montezuma 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.

310.3 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.

310.4 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 Detective Division 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.

310.4.1 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.

310.4.2 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.

310.5 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.

310.6 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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310.7 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.

310.7.1 MILITARY PROTECTION ORDERS

If a deputy has reasonable suspicion that a crime of domestic violence has occurred, the deputy shall search the National Crime Information Center (NCIC) database to determine whether a military protection order as defined by CRS § 18-6-806 has been issued against one of the parties. If a military protection order has been issued against a party, the deputy shall notify the military law enforcement agency that entered the protection order into NCIC (CRS § 18-6-806).

310.8 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.

310.8.1 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.

310.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

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310.9.1 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).

(c) If a deputy receives complaints of domestic violence from two or more opposing persons, the deputy shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. 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. 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 them of such arrest (CRS § 18-6-803.5).

310.9.2 REPORTS AND RECORDS

The Records Manager will maintain records on the number of domestic violence-related calls reported to the Montezuma 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 Montezuma County Sheriff's Office for violating a court order, the Records Manager 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 Manager 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 Montezuma County Sheriff's Office for violating or attempting to violate a protection order, the Records Manager shall notify

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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).

310.9.3 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).

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Search and Seizure

311.1 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 Montezuma County Sheriff's Office personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Montezuma 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.

A No-Knock Search Warrant may only be issued as authorized by C.R.S. 16-3-303(4) and must be approved by the District Attorney.

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.

311.3 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.

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Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

311.4 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 sex as the searching deputy, a reasonable effort should be made to summon a deputy of the same sex as the subject to conduct the search. When it is not practicable to summon a deputy of the same sex 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.

311.5 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 sex, any efforts to summon a deputy of the same sex 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

312.1 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 Montezuma County Sheriff's Office (34 USC § 11133).

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. Juvenile non-offenders include a juvenile taken into protective custody for being under the influence or incapacitated by substances and clearly dangerous to the health and safety of the juvenile under CRS § 27-81-111, and any runaway taken into temporary custody under CRS § 19-3-401. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

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(21); CRS § 19-1-103(88)). 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 held 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 held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(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.

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(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.

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.

312.2 POLICY

The Montezuma County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Montezuma County Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the Montezuma 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).

  (a) If the deputy taking temporary 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.

  (b) Deputies responding to calls of a juvenile who is either a potential danger to him/herself or others, including threat or perceived threat of suicide, shall notify the Department of Social Services, mental health providers, and parent or guardian.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to his/her health, whether or not the juvenile appears intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

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Deputies taking temporary 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 Montezuma County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

312.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Montezuma 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 Montezuma County Sheriff's Office without authorization of the arresting deputy's supervisor or the Patrol Lieutenant. 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 Montezuma County Sheriff's Office (34 USC § 11133).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Montezuma 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).

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally 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).

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Montezuma County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

312.4.4 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS

A juvenile offender may be taken into temporary custody (CRS § 19-2.5-209):

(a) When there are reasonable grounds to believe that the juvenile 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 § 19-2.5-204.

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 § 19-2.5-303).

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 § 19-2.5-303 that the juvenile poses a substantial risk of flight from prosecution or of serious harm to others.

If the juvenile is not released to the care of the juvenile's 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 § 19-2.5-303).

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 § 19-2.5-303).

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 § 19-2.5-303).
- 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 § 19-2.5-305).

312.4.5 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 Montezuma 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 § 19-2.5-208).

312.5 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).

312.5.1 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 Montezuma 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 Montezuma County Sheriff's Office.

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Montezuma County Sheriff's Office.

(c) Patrol Lieutenant notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure custody.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Patrol Lieutenant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults 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 Montezuma 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.

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312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Montezuma County Sheriff's Office shall ensure the following:

(a) The Patrol Lieutenant is notified if it is anticipated that a juvenile may need to remain at the Montezuma County Sheriff's Office more than four hours. This will enable the Patrol Lieutenant to ensure no juvenile is held at the Montezuma 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.

(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 the same number of telephone calls as an adult in custody (See the Temporary Custody of Adults Policy).

(o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

312.9 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 Montezuma County Sheriff's Office when the

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juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Patrol Lieutenant. 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 juveniles or monitored in such a way as to protect the juvenile from abuse.

312.10 PERSONAL PROPERTY

The personal property of a juvenile shall be processed in the same manner as an adult in temporary custody (see the Temporary Custody of Adults Policy).

312.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody. Patrol Lieutenant approval is required before placing a juvenile offender in secure custody (CRS § 19-2.5-305).

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to the juvenile or others.

Members of this office should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member must be present at all times to ensure the juvenile’s safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure to ensure there are no weapons or contraband and that the area is clean and sanitary. An inspection should be conducted when he/she is released. Any damage noted to the area should be photographed and documented.

The following requirements shall apply:

(a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(c) Juveniles shall have constant auditory access to office members.

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(d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.

(e) Unscheduled safety checks by office members shall occur no less than every 15 minutes.

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being.
3. Juveniles who are sleeping or apparently sleeping should be awakened.
4. Requests or concerns of the juvenile should be logged.

(f) Males and females shall not be placed in the same locked room.

(g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(h) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Patrol Division Lieutenant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Montezuma County Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the on-duty supervisor, Patrol Lieutenant, Sheriff, and Detective Division Division Lieutenant.

(c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(d) Notification of the appropriate prosecutor.

(e) Notification of the County Attorney.

(f) Notification of the Coroner.

(g) Notification of the juvenile court.

(h) Evidence preservation.

312.13 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:

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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

(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.

312.13.1 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 Montezuma County Sheriff's Office facility, jail, or other permanent detention facility (CRS § 19-2.5-203).

312.13.2 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).

312.14 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)

312.15 VISITATION

Juveniles who are in temporary custody in the facility will be allowed initial visits at any time by the parents, guardians, and/or attorneys. Subsequent visits shall be as unrestrictive as reasonably practicable.

312.16 TRAINING

Office members should be trained on and familiar with this policy and any supplemental procedures.

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Adult Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Montezuma County Sheriff's Office members as required by law.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

313.2 POLICY

The Montezuma County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Montezuma 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).

313.3.1 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.

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(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.

313.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

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.

(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.

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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.

313.5 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 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.

313.6 INTERVIEWS

313.6.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the 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.

313.6.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

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1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

313.7 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, his/her guardian, or the agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, or agency or entity having legal custody and is refusing to give 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 adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.8 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

313.8.1 SUPERVISOR RESPONSIBILITIES

The Detective Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the county department of human or social services, other law enforcement agencies, medical service providers, and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when a deputy notifies the Detective Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

(c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the adult.

313.8.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

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(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Division supervisor so an interagency response can begin.

313.9 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

313.9.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for (CRS § 26-3.1-102; CRS § 18-6.5-108):

(a) Providing a copy of the adult abuse report to the county department of human or social services and the District Attorney's Office within 24 hours of the completion of the written report.

(b) When the victim is age 70 or older, providing a copy of an investigative summary report to the county department of human or social services where the victim resides and to the District Attorney's Office where the abuse or exploitation occurred.

(c) Retaining the original adult abuse report with the initial case file.

313.9.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (CRS § 26-3.1-102).

313.10 TRAINING

The Office shall provide training on best practices in adult abuse investigations to members tasked with investigating these cases (CRS § 24-31-313; CRS § 26-3.1-106). The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

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Discriminatory Harassment

314.1 PURPOSE AND SCOPE

This policy is intended to prevent office members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 POLICY

The Montezuma 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 it is designed to protect.

The non-discrimination 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.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 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.

314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person 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.

314.3.3 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.

314.3.4 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 (EEOC) and the Colorado Civil Rights Division.

(b) Bona fide requests or demands by a supervisor that the member improve the member's 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.

314.4 RESPONSIBILITIES

This policy applies to all office members. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional 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 the member's 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 Services, or the County Administrator.

Any member who believes, in good faith, that the member 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 resolution as stated below.

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

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

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

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

(d) Ensuring 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) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Sheriff or the in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

314.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing, or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Office and professional 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 the resolution of such situations.

(d) Supervisors and managers shall make a timely 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 management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

314.4.3 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.):

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(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.

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

314.4.4 QUESTIONS OR CLARIFICATION

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

314.5 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.

314.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's 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.

314.5.2 FORMAL INVESTIGATION

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

The member 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 an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. 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, the Director of Human Services, or the County Administrator.

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314.5.3 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 against, 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.

314.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Sheriff (CRS § 24-34-408).

The outcome of all reports shall be:

- Approved by the Sheriff or the authorized designee, or the Director of Human Services, depending on the ranks of the involved parties.
- Maintained for a minimum or five years and in accordance with the established records retention schedule (CRS § 24-34-408).

314.6.1 NOTIFICATION OF DISPOSITION

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

314.7 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 the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's 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.

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Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Montezuma County Sheriff's Office members are required to notify the county department of human or social services of suspected child abuse.

315.1.1 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 years.

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).

315.2 POLICY

The Montezuma County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the county department of human or social services is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Montezuma 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

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is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

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).

315.3.1 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).

315.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

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(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.

315.5 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.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

Unless unavailable, the county department of human or 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).

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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).

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).

315.6 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.
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.

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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.

315.6.1 COURT ORDERS

Unless already being addressed by the county department of human or 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.

315.6.2 RELATED NOTIFICATIONS

If the county department of human or social 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.

315.6.3 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.

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315.7 INTERVIEWS

315.7.1 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.

315.7.2 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.

315.8 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.

315.9 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 controlled substances including marijuana.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Division Supervisor should:

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(a) Work with professionals from the appropriate agencies, including the county department of human or social 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 Detective Division 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) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social, and other conditions that may affect the child.

315.9.2 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 Detective Division Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

315.10.1 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).

315.10.2 CHILD FATALITY PREVENTION REVIEW TEAMS

Local review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This office shall cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

315.10.3 PROCESSING REPORTS AND RECORDS

Members documenting child abuse should make the notation “CHILD VICTIM” on the report or other record (CRS § 24-72-304).

315.10.4 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).

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315.10.5 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 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).

315.11 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

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 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 their 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 their 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. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified

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Persons System (NamUs), the Colorado Crime Information Center (CCIC), and the Colorado Bureau of Investigation (CBI).

316.2 POLICY

The Montezuma County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Montezuma County Sheriff's Office gives missing person cases priority over property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Division supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction. Members shall accept a missing person report by telephone or by electronic or other media.

Every member receiving a report shall determine if the reported missing person is being sought for reasons of harassment, stalking, retaliation, court testimony, debt collection, or any action of defiance of a protection order, or any other articulable extenuating circumstances that makes accepting the report impractical or unreasonable, the report shall document the circumstance. C.R.S. 16-2.7-102.

316.5 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.

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(b) Interview the reporting person 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 an"Attempt to Locate" (ATL or BOLO) bulletin if the person is under 16 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 16 or may be at risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

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.
3. If the missing person is eighteen (18) years of age or older, the person shall be entered into CCIC within eight (8) hours. C.R.S. 16-2.7-103.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts. 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).

(g) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her 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.

(h) 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.

(i) If the person qualifies for an AMBER alert, contact the National Center for Missing and Exploited Children® (NCMEC) as soon as practicable.

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316.6 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.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(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.

316.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section 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 Detective Division.

(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).

316.7 DETECTIVE DIVISION 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.

1. The notice shall be in writing and should also include a photograph.

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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).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to CBI.

(b) A missing child’s school is notified.

(c) Entries are made in the applicable missing person networks.

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(d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to CBI.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.

(c) Use available resources, such as those related to missing persons, to identify the person.

316.9 CASE CLOSURE

The Detective Division 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 Montezuma 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.

316.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this office whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

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

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(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

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Montezuma County Sheriff's Office should notify their supervisor, Patrol Lieutenant, or Detective Division 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.

317.3.2 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, the appropriate Division Lieutenant 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 Division Lieutenant

317.4 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). By 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).

317.4.1 CRITERIA

An AMBER Alert may be activated by a law enforcement agency if (CRS § 24-33.5-415.7):

(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.

317.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

(a) The Public Information Officer, Patrol Lieutenant, or Detective Division Supervisor 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, and 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. Telephone number of the Colorado Bureau of Investigation to call for further information.
9. A telephone number for the public to call with leads or information.

(b) The Public Information Officer, Patrol Lieutenant, or Detective Division Supervisor 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) Transmit 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 State Patrol
2. FBI local office

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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 the Colorado Bureau of Investigation.

(f) The investigation unit supervisor 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 supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7).

(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.

317.5 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).

317.5.1 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).

317.5.2 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. Upon closure of the investigation, because the suspect has been found, or the end of the notification period, the investigation unit supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (8 CCR 1507-27).

317.6 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 (CRS § 24-33.5-415.8).

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317.6.1 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 are unknown.
    2. Who was a resident of Colorado at the time they were 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 their health and safety, as determined by a local law enforcement agency.

(b) "Missing person with developmental disabilities" means a person:
    1. Whose whereabouts are unknown.
    2. Who was a resident of Colorado at the time they were reported missing.
    3. Who has a verified developmental disability.
    4. Whose disappearance poses a credible threat to their health and safety, as determined by a local law enforcement agency.

(c) "Missing senior citizen" means a person:
    1. Whose whereabouts are unknown.
    2. Who was a resident of Colorado at the time they were reported missing.
    3. Whose age at the time they were first reported missing was 60 years or older and who has a verified impaired mental condition.
    4. Whose disappearance poses a credible threat to their 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).

317.6.2 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. Upon closure of the investigation, because the person has been found, or the end of the notification period, the investigation unit supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (8 CCR 1507-26).

317.7 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

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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).

317.7.1 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).

317.7.2 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. Upon closure of the investigation, because the person has been found, or the end of the notification period, the investigation unit supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (8 CCR 1507-36).

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Victim and Witness Assistance

318.1 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.

318.2 POLICY

The Montezuma County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Montezuma 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.

318.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Montezuma 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.

318.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison 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 to the local Victim Witness Assistance Unit.

(e) Forward copies of crime reports requested by personnel at the local victim centers. The Records Maintenance and Release Policy in this manual regarding the release of reports shall be followed in all cases.

(f) Provide the victim with the contact information for the assigned investigator and district attorney, cold case information, and any other required information (CRS § 24-4.1-303).

318.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

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.

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318.4.1 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)).

318.5 VICTIM INFORMATION

The Administrative Services supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(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.).

(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.

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(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 et seq.).

(q) 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).

318.6 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.

318.6.1 SPECIFIC REQUIREMENTS REGARDING WITNESSES

Deputies should provide all witnesses with the applicable witness information handouts (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

318.7 WITNESS INFORMATION

The Administrative Services Supervisor shall ensure that witness information handouts are available and current. These should include information specifically related to witness rights and resources (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

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Bias-Motivated Crimes

319.1 PURPOSE AND SCOPE

The Montezuma County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. 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.

319.1.1 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).

319.2 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, in whole or in part 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.

319.3 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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319.4 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.

(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 and Witness 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.

319.5 DETECTIVE DIVISION RESPONSIBILITIES

If a case is assigned to the Detective Division, 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.

(c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.

319.5.1 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 Detective Division.

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319.5.2 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 Records Section procedures and in compliance with (28 USC § 534(a)).

319.6 TRAINING

All deputies of this office shall receive training on bias-motivated crime recognition and investigation and shall attend annual training that incorporates a bias-motivated crime training component.

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Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Montezuma County Sheriff's Office and are expected of all office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual as well as any additional guidance on conduct that may be disseminated by this office or a member's supervisors.

320.1.1 DEFINITIONS

Member - Any certified or non-certified member of the Sheriff's Office who serves in any capacity under the color of the Sheriff's authority, whether paid or volunteer.

Gratuity - A free or reduced priced service or item given to or accepted by an identified member of the Sheriff's Office for the purpose of influencing or gaining additional presence or service from the member or other members of the Sheriff's Office.

320.2 POLICY

The continued employment or appointment of every member of the Montezuma County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on or off duty, may be cause for disciplinary action.

A member's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the member's ability to perform official duties, that it may indicate a lack of unfitness for his/her position, or that brings discredit or harm to the professional image or reputation of the Office, its members, the County, or the law enforcement profession.

320.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service.

Members shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Colorado Constitution, and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion, or removal of any member or appointee:

(a) Failure to abide by the standards of ethical conduct for members, including fraud or false statements in securing appointment or hire.

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(b) Activity that is incompatible with a member's conditions of employment as established by law or that violates a provision of any agreement or contract.

(c) Violation of any rule, order, requirement, or the failure to follow instructions contained in Office or County manuals.

(d) Willful disobedience to any legal order properly issued by any superior officer of the Office.

(e) Willful neglect of duty.

(f) Making public any active investigation information or other data classified as confidential to any unauthorized person.

(g) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(h) Use of obscene, indecent, profane, or derogatory language while on duty or in uniform.

(i) Improper political activity including unauthorized attendance while on duty at official legislative or political sessions.

(j) Willful and inexcusable destruction or loss of Office property.

(k) Violations of federal, state, local, or administrative laws that are willful or inexcusable or involve moral turpitude.

(l) Acceptance of fees, gifts, or money contrary to the rules of the Office and/or laws of the state.

(m) Any act on or off duty that brings discredit to the Office.

(n) Bias-based policing.

320.3.1 CONDUCT

Members are to faithfully and properly perform all duties, and are not to engage in any unlawful job action for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

Members are to treat the information they receive as a result of their employment or association with the Sheriff’s Office with confidentiality and take appropriate steps to ensure that information, individual identities, and operational plans are not imparted to anyone who is not authorized to receive it.

Prohibited conduct includes, but is not limited to:

(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.

(c) Using Office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

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(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of, or damage to Office property or the property of others, or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities may result in criminal prosecution or discipline.

(g) Failure of any member to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Only members authorized to do so communicate with the media about Sheriff’s Office business.

(i) Using or disclosing one's status as a member of the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.

(j) The use of any information, photograph, or video obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee may result in discipline under this policy.

(k) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.

(l) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this office or the County.

(m) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.

(n) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.

(o) Subjecting another to sexual harassment.

(p) Members are to refrain from participating in gossip or the spreading of rumors that are intended to be undermining, disparaging, and/or are hurtful toward an individual, group, or this Office.

320.3.2 SECURITY

Members are to have a Sheriff’s Office issued identification (I.D. card, commission card and badge), and they are to be used to identify the member's authority when necessary or required.

All members are to honor requests for identification, except those members assigned to undercover duties, by presentation of badge, commission card, I.D. card, or the giving of a Sheriff’s Office business card.

Members are not to lend their badge or I.D. card to anyone, nor borrow the badge or I.D. card of another, without the permission of the Sheriff.

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(a) Unauthorized and inappropriate intentional release of confidential information, materials, data, forms, reports, or uniform equipment is prohibited.

Unless first addressed, members are not to indicate, in public, the recognition of a commissioned member known to be working in a plainclothes or undercover capacity.

320.3.3 SUPERVISOR RESPONSIBILITIES

If a member's conduct is a cause of action for discipline, the supervisor shall inform the member promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that members adhere to the policies and procedures of this office and that the actions of all personnel comply with all laws.

(b) Failure to report in a timely manner any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

(d) Supervisors are accountable for the performance, actions, and activity of subordinates under their supervision.

320.3.4 ABUSE OF POSITION

Members are not to abuse their power and public trust and are prohibited from using their credentials, badge, identification, or position in any unauthorized manner or to garner personal gain.

Members are not to allow the use of their name, photograph, or official title that identifies them as members of the Sheriff’s Office to endorse or advertise any product or service unless authorized by the Sheriff.

Members are not to use their employment with the Sheriff’s Office for the purpose of soliciting, selling, or purchasing any product or service without the permission of the Sheriff.

Members are not to use their status as a member of the Sheriff’s Office to avoid the consequences of illegal acts, or to obtain privileges not available to the general public except in the lawful performance of duty.

Members are not to use the Sheriff’s Office as a mailing address for receiving personal mail, or as a home "address", unless authorized to do so by their Division Supervisor.

320.4 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

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The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

320.5 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

320.5.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy, or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

320.5.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

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320.5.3 RESIDENCE TELEPHONE AND ADDRESS

Members are to provide the Sheriff’s Office with the address and telephone number of their current residence, and advise their immediate supervisor and the personnel section of any changes within twenty-four hours of the move or change.

Members are to have a telephone at their place of residence to facilitate notification in any emergency.

Members are not to divulge the home address or telephone number of other members to anyone outside the Sheriff’s Office without the permission of the affected member.

320.5.4 SECONDARY EMPLOYMENT

Members are not to be employed outside the Sheriff’s Office where such employment would constitute a conflict of interest.

Full time members are not to work outside employment to an extent that it affects their primary job at the Montezuma County Sheriff's Office.

All secondary/outside employment shall have prior written approval by the Sheriff and/or Undersheriff.

320.5.5 PATRIOTIC COURTESY

Members are to display proper honor to the national colors and to the playing of the National Anthem in the following manner:

(a) Members wearing Montezuma County Sheriff's Office uniforms and are covered, i.e. wearing a hat, cap, helmet, etc. come to attention and salute the national flag in military fashion when it passes by in a formation, during a flag raising ceremony, or when the national anthem is played.

(b) Members in uniform, but uncovered, i.e. not wearing any type of headgear, come to attention and salute the flag by placing their right hand over their badge, unless doing so would unsafely expose their service weapon.

(c) Generally, members in uniform should always be uncovered when inside a building unless the headgear is necessary for their assignment.

(d) Civilian members or plain clothes members not in uniform, whether inside or outside, salute the flag by placing their right hand over their heart. When wearing a hat, the hat should be removed, held in the right hand, and placed over their heart.

320.6 GENERAL STANDARDS

Members shall conduct themselves, whether on or off duty, in accordance with the United States and Colorado Constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.6.1 PUBLIC STATEMENTS AND APPEARANCES

Members are not to publicly criticize or ridicule the Sheriff, the Office, its policies or other members where such statements are defamatory, obscene, or unlawful.

Members are not to represent the Sheriff’s Office publicly without the permission of the Sheriff.

320.6.2 RELATIONSHIPS WITH THE PUBLIC

Members are to be courteous to the public, being tactful and restrained in the performance of assigned duties. Members are not to express any prejudice concerning race, sex, religion, creed, politics, national origin, lifestyle, sexual preference, or other personal characteristics.

Members are to exercise patience and discretion, and are to control their temper and not engage in argumentative discussions or malicious physical retaliation, even in the face of extreme provocation.

Members are to courteously and promptly record, or report to higher authority, any complaint made by a citizen regarding the member, another member, or action of the Sheriff’s Office. Complaints are to be handled in compliance with Sheriff’s Office policy.

320.6.3 SHERIFF'S OFFICE RECORDS AND REPORTS

Members are to submit all necessary reports by the end of the shift or by the deadline authorized by the supervisor. Reports submitted by all members are to be truthful, accurate, and complete.

Members are to maintain confidentiality standards, and are not to misuse information in confidential data banks, including, but not limited to: ITI, TLO, LAN, NCIC, CCIC, DMV, DOR, ISO Claims, etc.

320.6.4 KNOWLEDGE OF CRIMINAL ACTIVITY

Members are to report to their immediate supervisor any and all criminal activity of private citizens or Sheriff’s Office members.

Supervisors are to immediately notify the Sheriff of any and all criminal activity involving Sheriff's Office members.

In the event that the immediate supervisor of a member is involved in the criminal activity, members are to make the report directly to the Undersheriff and/or Sheriff.

All Sheriff's Office internal activities, confidential, law enforcement sensitive and restricted information, including that of any other law enforcement agency, are not to be distributed, relayed, or released without prior authorization.

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320.7 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics, and specific action or inaction that is detrimental to efficient office service.

320.7.1 LAWS, RULES, AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement, or failure to follow instructions contained in office or County manuals.

(b) Disobedience of any legal directive or order issued by any office member of a higher rank.

(c) Violation of federal, state, local, or administrative laws, rules, regulations, or court orders.

320.7.2 ETHICS

Members are held to the highest professional standard and public trust. Integrity and truthfulness are expected standards of conduct as a peace officer. All reports and offical documents prepared by members will contain complete, honest, and factual information.

(a) Using or disclosing one’s status as a member of the Montezuma County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for nonoffice business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.

(c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts, or money contrary to the rules of this office and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel, or services.

(g) Any other failure to abide by the standards of ethical conduct.

320.7.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, ancestry, disability, economic status, physical or mental disability, medical condition, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

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320.7.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one’s official capacity.

(b) Engaging in on--duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship as a result of an investigation with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

320.7.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.7.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this office.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Montezuma County Sheriff's Office badge, uniform, identification card, or office property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment, and non-subpoenaed records.

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320.7.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Office within 24 hours of any change in residence address, contact telephone numbers, or marital status.

320.7.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper, or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this office or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency, and discipline of this office or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

    (a) While on office premises.

    (b) At any work site, while on duty or while in uniform, or while using any office equipment or system.

    (c) Gambling activity undertaken as part of a deputy’s official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

    (a) Unauthorized attendance while on duty at official legislative or political sessions.

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(b) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on duty or on office property except as expressly authorized by County policy or the Sheriff.

(h) Engaging in political activities during assigned working hours except as expressly authorized by County policy or the Sheriff.

(i) Any act on or off duty that brings discredit to this office.

320.7.9 SAFETY

(a) Failure to observe or violating office safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on or off duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic accident.

(h) Concealing or knowingly failing to report any on-the-job or work-related disease, injury, or death as soon as practicable but no later than 24 hours (CRS § 8-43-102).

320.7.10 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.

(b) Possession or use of alcohol at any work site or while on duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

(d) As described in Colorado Constitution, Article XVIII Section 14 (2014) - Medical Marijuana - and Colorado Constitution, Article XVIII Section 16 (2014) - Personal Use Marijuana - the use or possession of marijuana is not permitted, and grounds for termination.

Use of Alcohol Off Duty:

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a.Off-duty members are to refrain from consuming alcoholic beverages to the extent that the consumption results in behavior which tends to discredit the Sheriff’s Office or renders them unfit to report for the next tour of duty.

b.Members are not to publicly consume alcoholic beverages wearing any apparel identifying them as a Sheriff’s Office member.

c.Members are not to possess, wear, or deploy any type of firearm while impaired or under the influence of alcoholic beverages or drugs.

d.Off-duty members who are in an “on-call status” are not to consume intoxicating beverages.

e.Off-duty members who are not on call and are called to respond to a duty situation are responsible for self-reporting to the on-scene or requesting supervisor when they believe that they will not be able to perform the required duties because of an illness or other condition.

f.A member reporting for, or performing a duty, who is suspected of using, or having used, alcoholic beverages or drugs that may affect performance may be required to submit to a chemical test to determine the presence of the substance.

(a) A refusal to submit to a chemical test will be considered a presumption that the member was under the influence of drugs or alcohol.

(b) In the testing for alcohol, the breath or blood test are to be used at the discretion of the Sheriff or designee.

(c) In testing for the presence of drugs; urine, blood, or other medically approved test are to be used. In all tests, the rules and regulations of the State Board of Health are to be followed.

Chemical tests will be done randomly, and will be done when there is reasonable suspicion to believe that alcohol, drugs, or controlled substance is being used or, in the case of an officer being investigated in a use of force situation or vehicle crash resulting in extensive damage or bodily injury/fatality, to eliminate the possibility that alcohol or drugs is being used.

320.7.11 COUNTY FUNDS

Members who receive or disperse county monies are to do so honestly, and are to be accountable for the same.

Members are not to incur financial liabilities against the Sheriff, Sheriff’s Office, or the County except as authorized by their duties or the appropriate supervisor.

320.7.12 PROCESSING FOUND OR EVIDENTIARY PROPERTY

Property or evidence which has been found, gathered, or received in connection with Sheriff’s Office responsibilities are to be handled in accordance with Sheriff’s Office policy and Division procedures.

Members are not to transfer to their own or another's use, tamper with, or withhold any property, except through lawful court order, or established policies and procedures.

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320.7.13 USE OF TOBACCO
A member who uses tobacco is to be sensitive to and respect those who may be affected or offended by the member's use of tobacco.

Members are not to use tobacco of any type when in the presence of private citizens, during information-taking functions, in crime scenes, private residences, or where the use of tobacco is not conducive to good officer safety practices.

No smoking is allowed in any Sheriff’s Office vehicle or building.

320.8 AFFILIATIONS
Members are not to belong to, or be affiliated with any person or group that advocates insurrection, treason, anarchy, or the overthrow of the Government, through unconstitutional means, or purports superiority of one race over another.

320.9 PROVIDING ASSISTANCE
Members are to render assistance to any individual who may be in danger or distress, or otherwise in need of law enforcement assistance.

When any individual requests assistance or advice, or reports an incident, all pertinent information are to be obtained in a courteous and professional manner, and are to be properly acted upon in conformance with Sheriff’s Office and Division policies. Failure to do so may be considered a dereliction of duty.

Calls for Service will be handled promptly, without delay in a timely manner. All citizen reports of a criminal violation or act will be handled by in-person response in order for an on-scene investigation determination and the preservation and proper collection of evidence.

320.10 RELATIONSHIPS WITH THE PUBLIC
Members are to be courteous to the public, being tactful and restrained in the performance of assigned duties. Members are not to express any prejudice concerning race, sex, religion, creed, politics, national origin, lifestyle, sexual preference, or other personal characteristics.

Members are to exercise patience and discretion, and are to control their temper and not engage in argumentative discussions or malicious physical retaliation, even in the face of extreme provocation.

Members are to courteously and promptly record, or report to higher authority, any complaint made by a citizen regarding the member, another member, or action of the Sheriff’s Office.

Complaints are to be handled in compliance with Sheriff’s Office policy.

320.10.1 RELATIONSHIPS WITH INMATES OR ARRESTEES
Members are not to engage the services of, or become romantically and sexually involved with, any person in custody.

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Members are discouraged from becoming romantically or sexually involved with former inmates or known felons. Members involved in such a relationship are required to notify their immediate supervisor.

Members whose immediate family members are subject to charges or incarceration for criminal violations are required to inform their immediate supervisors.

Members are not to mistreat persons who are in their custody.

Members are not to borrow money or any type of property, or lend money or any property, to any inmate, arrestee, or detainee while that person is in Montezuma County Sheriff’s Office custody.

A member while in an on-duty status or in uniform, may not furnish bail for any person.

320.11 CONFIDENTIALITY

Members are to maintain confidentiality standards, and are not to misuse information in confidential data banks, including, but not limited to: ITI, TLO, LAN, NCIC, CCIC, DMV, DOR, ISO Claims, etc.

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Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of office information technology resources, including computers, electronic devices, hardware, software, and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Montezuma County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or office funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, **permanent file,or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

321.2 POLICY

It is the policy of the Montezuma County Sheriff's Office that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any office computer 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 email system, computer network, and/or any information placed into storage on any office system or device. This includes records of all keystrokes 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 username or password will not create an expectation of privacy if it is accessed through office computers, electronic devices, or networks.

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321.4 RESTRICTED USE

Members shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software, or systems by another member to their supervisors.

Members shall not use another person’s access passwords, login information and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any office computer. Members shall not install personal copies of any software onto any office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the Office while on office premises, computer systems, or electronic devices. Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of office- or County-approved or installed programs by the original manufacturer, producer, or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to office-related activities. Data stored on or available through office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to office-related activities. Internet sites containing information that is not appropriate or applicable to office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted

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with the express approval of a Division Supervisor, Undersheriff, or Sheriff as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email, or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the office computer system when requested by a supervisor or during the course of regular duties that require such information.

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321.7 MISUSE OF FBI CRIMINAL JUSTICE INFORMATION

Due to the increase in the number of accidental or malicious computer attacks against both government and private agencies, the Montezuma County Sheriff's Office has established an operational incident handling capability for all information systems with access to FBI CJIS systems and data. This includes adequate preparation, detection, analysis, containment, recovery, and user response activities to include track, document, and report incidents to appropriate agency officials and/or authorities. All personnel are responsible to report misuse of Montezuma County Sheriff's Office technology resources to appropriate Montezuma County Sheriff's Office officials. All members who have been issued an OSN by CBI are required to complete the MCSO Disciplinary Policy Acknowledgement Form and submit to the Records Section Manager. See attachment: MCSO Disciplinary Policy Misuse CJS Acknowledgement form.pdf

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Report Preparation

322.1 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.

322.1.1 REPORT PREPARATION

Members should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned member to complete and submit all reports taken during the shift before going off duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting member will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Members who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Members who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, 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.

322.2 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.

322.2.1 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:

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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.

All handwritten notes taken during a criminal investigation will be preserved and submitted to the Records Division and made available with all other reports for discovery purposes.

322.2.2 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).

(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 crashes above the minimum reporting level (see the Traffic Crashes Policy).

(j) Whenever the member believes the circumstances should be documented or at the direction of a supervisor.

322.2.3 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

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(d) Homicide or suspected homicide

(e) Found dead bodies or body parts

322.2.4 COUNTY PERSONNEL
Incidents involving County personnel or property shall require a report when:

(a) An injury occurs that is a result of an act of a County employee or on County property.

(b) There is damage to County property or equipment.

322.2.5 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, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct a member to document any incident he/she deems necessary.

322.3 REVIEW AND CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete a correction form stating the reasons for rejection.

The original report and the correction form should be returned to the reporting member for correction as soon as practicable. It shall be the responsibility of the originating member to ensure that any report returned for correction is processed in a timely manner.

322.3.1 CHANGES AND ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Section 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 Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

322.4 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section 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 Records Section may be corrected or modified by the authoring member only with the knowledge and authorization of the reviewing supervisor.

322.5 POLICY

It is the policy of the Montezuma County Sheriff's Office that members shall act with promptness and efficiency in the preparation and processing of all reports. Reports shall document sufficient

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information to refresh the member's memory and shall provide enough detail for follow-up investigation and successful prosecution.

322.6 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.

322.7 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 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.

322.7.1 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).

322.8 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(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.

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(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 crashes 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

323.1 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.

323.2 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, Division Lieutenants, Patrol Lieutenants, and the designated Public Information Officer ([PIO]) may prepare and release information to the media in accordance with this policy and the applicable law.

323.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Records Division representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this office make any comment or release any official information to the media without prior approval from a supervisor or the designated Records Division 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.

323.2.2 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.

323.3 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 Public Information Officer 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 member.

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with Detention Division 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 Public Information Officer, Undersheriff, or Sheriff.

323.3.1 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 Patrol Lieutenant. 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).

323.3.2 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.

323.4 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 the Patrol Lieutenant. 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 and juveniles) 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.

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 Patrol Lieutenant. Such requests will be processed in accordance with policy and state law.

323.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized member dealing with media requests to ensure that restricted information is not inappropriately released to the media by this office (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

323.5 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

324.1 PURPOSE AND SCOPE

This policy has been established to provide for the acceptance of subpoenas and court notices and to ensure that members appear in court when requested and present a professional appearance.

324.1.1 DEFINITIONS

Definitions related to this policy include:

On call - When a member has appeared in court or is on duty and has been told by a member of the court that the member is free to leave the court or return to duty, subject to being available by telephone or pager.

Standby - When a member 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 member may be directed to appear in court within a reasonable amount of time.

Trailing status - When a member remains on standby status for additional court sessions until notified otherwise.

Mandatory appearance - Subpoenas and court notices require a member'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.

324.2 COURT SUBPOENAS

Members who receive subpoenas or court notices related to their employment with this office are subject to the provisions of this policy. Members 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. Members are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

324.2.1 COURT STANDBY

To facilitate court standby agreements, members are required to provide and maintain current information on their address and telephone number with the Office. Members 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 a member on standby changes location during the day, the member shall notify the subpoena clerk how he/she can be reached by telephone. Members 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 a member from standby status.

324.2.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment with the Montezuma County Sheriff's Office shall comply with the requirements of the subpoena. Members

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receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the immediate supervisor.

324.2.3 FAILURE TO APPEAR

Any member 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.

324.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of this office or any of its members may do so.

Civil subpoenas should be served by delivering a copy to the named member or as otherwise ordered by a court consistent with due process (CRCP Rule 4; CRCP Rule 45).

Criminal subpoenas should be delivered to the member named in the subpoena unless substituted service is otherwise authorized by local court rules (Crim. P. Rule 17).

Subpoenas should not be accepted without properly posted fees pursuant to applicable law (CRCP Rule 45; Crim. P. Rule 17).

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify, or provides information on behalf of or at the request of any party other than the Sheriff or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Montezuma County Sheriff's Office.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Montezuma County Sheriff's Office.

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.

No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding.

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The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

324.4 REQUIREMENT TO APPEAR

Members are required to comply with the terms of any properly served subpoena or court-ordered appearance. This includes properly served orders to appear issued by a state administrative agency.

324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

324.5.1 COURTROOM ATTIRE

Members shall dress in uniform or business attire. The long sleeve uniform will require the uniform tie. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for women would consist of a dress jacket, dress blouse, and skirt or slacks.

324.6 COURTHOUSE PROTOCOL

When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the office uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

324.6.2 EVIDENCE

When a member is directed by a subpoena to appear in court with evidence, that member should:

(a) Notify the Property and Evidence Section promptly after receiving the subpoena that the specified evidence is needed for court and verify that the evidence is readily available.

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(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.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding.

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Reserve and Non-Certified Deputies

325.1 PURPOSE AND SCOPE

The Montezuma County Sheriff's Office Reserve Unit 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).

325.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Montezuma 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).

325.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures 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.

Approved applicants who are not Colorado POST-Certified peace officers (16-2.5-102) may be appointed as Non-Certified Deputy Sheriff (16-2.5-103) to and include detention officers, Sheriff's Posse members, and Search and Rescue members.

325.2.2 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)).

325.2.3 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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325.2.4 MEMBERS WORKING AS RESERVE DEPUTIES

Qualified members 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 or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult with the Human Resources Department prior to a member serving in a reserve capacity (29 CFR 553.30).

325.3 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. Reserve deputies may be assigned to other areas within the Office as needed. Reserve deputies are required to work a minimum of 10 hours per month.

325.3.1 POLICY COMPLIANCE

Sheriff's reserve deputies, non-certified deputies, and volunteers 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, all Non-Certified Deputy Sheriff including Sheriff Posse members and Search and Rescue members, unless by its nature it is inapplicable.

325.3.2 RESERVE DEPUTY ASSIGNMENTS

All reserve deputies will be assigned to duties by the Reserve Coordinator or the authorized designee.

325.3.3 RESERVE COORDINATOR

The Sheriff shall delegate the responsibility for 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.

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325.4 FIELD TRAINING

All certified reserve deputies shall complete the same office-specified field training program as regular deputies as described in the Field Training Officer Policy.

At the completion of field training, the primary training officer 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.

When a reserve deputy has satisfactorily completed field training, he/she will no longer be required to ride with a reserve training officer. The reserve deputy may now be assigned to ride with any deputy.

325.5 SUPERVISION

Reserve deputies, including Sheriff Posse members, 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)).

325.5.1 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.

325.5.2 IDENTIFICATION OF DEPUTIES

All certified reserve deputies will be issued a uniform badge and a Office identification card. The uniform badge shall be the same as that worn by a regular full-time deputy. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

325.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this office.

325.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy or any non-certified Deputy Sheriff 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, at the discretion of the Patrol Division Lieutenant in compliance with the Personnel Complaint Procedure Policy.

Reserve deputies and non-certified Deputy Sheriff are considered at-will members. Any disciplinary action that may have to be administered to a reserve deputy, and non-certified Deputy Sheriff 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.

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325.5.5 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.

325.6 FIREARMS REQUIREMENTS

An appointment to the reserve force must be approved by the Sheriff before the person appointed may carry a weapon or otherwise act as a peace officer.

All certified reserve deputies and Sheriff Posse members appointed as non-certified deputy sheriff, including non-certified detention deputies, are required to obtain and complete the same firearms training and qualifications requirements as full-time certified deputies before authorization to carry an approved weapon.

325.6.1 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 Office Certified Firearms Instructor.

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.

When a reserve deputy has satisfactorily completed training, he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Sheriff with input from the Reserve Coordinator and administrative staff.

In issuing a concealed weapon permit, a reserve deputy's qualification will be individually judged. A reserve deputy's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve deputy remains in good standing with the Montezuma Reserve Deputy Program.

325.6.2 RESERVE DEPUTY FIREARM TRAINING

All certified reserve deputies, and Sheriff Posse members appointed as non-certified deputy sheriff, including non-certified detention deputies, are required to maintain proficiency with

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firearms used in the course of their assignments. Reserve deputies, including Sheriff Posse members appointed as non-certified deputy sheriff and non-certified detention 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)).

Firearms training will be conducted by a POST-Certified Firearms Instructor. Failure to qualify will immediately prohibit the carrying of a weapon while in performance of assigned or authorized Montezuma County Sheriff Office duties.

All firearms training and qualifications records will be maintained by the office Training Coordinator.

325.7 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

326.1 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 peace officers with peace officers of another agency on a temporary basis.

326.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this office.

326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Patrol Lieutenant’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this office, the Patrol Lieutenant may authorize, if available, an appropriate number of personnel to assist (CRS § 29-5-104). Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this office will not ordinarily be booked at this office. Only in exceptional circumstances, and subject to supervisor approval, will this office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

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326.3.1 RECIPROCAL LAW ENFORCEMENT AGREEMENT

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 and CRS § 29-1-203.

326.3.2 TERMS OF AGREEMENT

Any reciprocal law enforcement agreement with another agency should include:

(a) An estimate of the types, amounts, and general location of aid and resources available from each involved agency.

(b) Information on which agency will respond to calls for service by type of event.

(c) A plan for interagency communication to ensure prompt and appropriate response.

(d) A strategy for providing backup support between jurisdictions.

(e) Clear reporting and documentation requirements.

(f) Guidelines concerning jurisdiction of prosecutors and courts.

326.3.3 INITIATED ACTIVITY

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Montezuma County Sheriff's Office shall notify his/her supervisor or the Patrol Lieutenant and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor (CRS § 29-5-104). The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Patrol Lieutenant.

326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Supervisor or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

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(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Dispatch Center and the Patrol Lieutenant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Montezuma 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.

327.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

327.3 REGISTRATION

The Records Section 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, a deputy assigned should conduct the registration in order to best evaluate any threat the person may pose to the community. Members assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the deputy shall ensure that the registration information is provided to the Colorado Bureau of Investigation (CBI) (CRS § 16-22-109; CRS § 16-22-110; CRS § 16-13-903), via the Records Section.

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.

327.3.1 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).

327.3.2 WAIVERS OF IN-PERSON RE-REGISTRATION

The Detective Division supervisor or Records Section Manager 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.

(d) Notify victims, upon request by the victim, that a waiver has been authorized.

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327.3.3 AUTOMATIC TERMINATION OF REGISTRATION

The Detective Division 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 Detective Division supervisor shall remove the registrant from the registry and notify CBI of the termination (CRS § 16-22-108).

327.4 MONITORING OF REGISTERED OFFENDERS

The Records Section should establish a system to periodically, and at least once quarterly, 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 the state website.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the Records Section.

The Records Section should also establish a procedure to routinely disseminate information regarding registered offenders to Montezuma County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

327.4.1 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).

327.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members 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 Montezuma 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.

327.5.1 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

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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)).

327.5.2 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).

327.5.3 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).

327.5.4 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 the Sex Offender Management Board 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 website.

(d) A link to the Colorado sex offender website.

(e) A link to other law enforcement agencies.

327.5.5 PURGE OF LOCAL SEX OFFENDER REGISTRY

When a court order discontinuing a registrant's duty to register is received by the Office, the Detective Division supervisor or the Records Section Manager shall ensure that the registrant's registration information is removed from the office local sex offender registry (CRS § 16-22-113).

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327.6 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 Department of Corrections (CRS § 16-22-106; CRS § 16-22-107).

Prior to registrants being discharged from the Department of Corrections, 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 Department of Corrections that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

327.6.1 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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Major Incident Notification

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this office in determining when, how, and to whom notification of major incidents should be made.

328.2 POLICY

The Montezuma County Sheriff's Office recognizes that certain incidents should be brought to the attention of the Sheriff, Undersheriff, and/or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected Division Lieutenant. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides
- Missing children or endangered missing adults
- Wildfires within Montezuma County
- All anticipated Search and Rescue operations/missions
- Any critical incident or similar type of call or emergency situation within the Town of Dolores
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on or off duty (See Officer Involved Shootings and Deaths Policy for special notification)
- Significant injury or death to a member, whether on or off duty
- Death of a prominent Montezuma official
- Arrest of Officemember or prominent Montezuma official
- Aircraft, train, boat, or other transportation crashes with major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery, or sexual assaults
- CAD, radio, network, facility system or utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

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328.4 MEMBER RESPONSIBILITIES

Members are responsible for making the appropriate notification. The notifications are to be made via phone or radio communication through the chain of command, or senior deputy in the absence of a supervisor. Members shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall make the notification as soon as practicable. Notification should be made by using the call notification protocol posted in the Dispatch Center.

This notification does not supersede or circumvent notifications or contacts with on-duty or on-call supervisors in day-to-day operations, or alteration of Sheriff's Office policy, just in addition.

328.4.1 PUBLIC INFORMATION OFFICER (PIO)

After members of the staff have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

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Death Investigation

329.1 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.

329.2 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 Detective Division Division Commander as necessary. The Patrol Lieutenant will make notification to command staff in accordance with the Major Incident Notification Policy.

329.2.1 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.

329.2.2 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.

329.2.3 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the deputy assigned to the incident. If the

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next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

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 and properly retained.

329.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

329.2.5 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 Detective Division 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 Patrol Lieutenant or Detective Division 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.

329.2.6 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.

329.3 POLICY

It is the policy of the Montezuma 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.

329.4 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.

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Identity Theft

330.1 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.

330.2 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.

330.3 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 additional information on the official Colorado state government website.

330.4 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

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Deterrence Act. The victim can contact the FTC online at http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, http://www.usdoj.gov, or the FBI at http://denver.fbi.gov.

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Private Persons' Arrests

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private persons' arrests and detentions made pursuant to CRS § 16-3-201, CRS § 16-3-202(2), and CRS § 16-19-115.

331.2 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.

331.3 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.

331.4 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.

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.

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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.

331.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Private Person’s Arrest Form. 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 Private Person's Arrest Form (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

332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

332.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret or 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) - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These 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.

Qualified bilingual member - A member of the Montezuma County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

332.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs, and activities, while not imposing undue burdens on its members.

The 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.

332.3 LEP COORDINATOR

The Sheriff shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Division Lieutenant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Montezuma County Sheriff's Office's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Patrol Lieutenant and Dispatch Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Office to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding office LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to office services, programs, and activities.

332.4 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.

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(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.

332.5 TYPES OF LEP ASSISTANCE AVAILABLE

Montezuma County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

332.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

332.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

332.8 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.

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332.9 AUTHORIZED INTERPRETERS

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the office case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this office and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

332.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

(a) Qualified bilingual members of this office or personnel from other County departments.

(b) Individuals employed exclusively to perform interpretation services.

(c) Contracted in-person interpreters, such as state or federal court interpreters, among others.

(d) Interpreters from other agencies who have been qualified as interpreters by this office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to office guidelines.

332.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized 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

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

332.10 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.

332.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Montezuma County Sheriff's Office will take reasonable steps and will work with the Human Resources Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

332.11.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Dispatch Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller’s language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual, and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

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.

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332.12 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.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

332.13 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 interpreter
- 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.

332.14 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.

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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.

332.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

332.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

332.17 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.

332.18 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 Manager 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 Manager 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.

332.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency

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in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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ADA Compliance

333.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Montezuma County Sheriff's Office services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

333.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Sheriff to coordinate the office's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Montezuma County Sheriff's Office and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. 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). Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of office buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a office service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified

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interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should have a valid certification of competency accepted by the Department of Human Services (CRS § 13-90-202).

333.2 POLICY

It is the policy of the Montezuma County Sheriff's Office that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Office.

The Office will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

333.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Collaborating with the County ADA coordinator regarding the Montezuma County Sheriff's Office's efforts to provide equal access to services, programs, and activities.

1. Maintaining office compliance with accessibility standards for office web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Collaborating with the County ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:

1. Inspection of current office facilities to identify access issues.
2. Review of current office services, activities, and programs for access issues.
3. Assessment and update, if necessary, of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the office's emergency programs, services, and activities as they apply to persons with disabilities.
6. Recommendation of a schedule to implement needed improvements.

(c) Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to office services, programs, and activities.

(d) Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.

(e) Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to office services, programs, and activities, as appropriate.

(f) Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.

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(g) Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing office services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).

(h) Collaborating with other [city/county] departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(i) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).

(j) Verifying that third parties providing office services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(k) Recommending amendments to this policy as needed.

333.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

333.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.

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2. An undue financial or administrative burden on the Office. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with office members and the person requesting the modification to determine if an alternative modification is available.

(c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with office members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

333.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

333.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

333.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should 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 may be effective include:

(a) The methods of communication usually used by the individual.

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(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 modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

Any waiver of a qualified interpreter, assistive device, or auxiliary aid 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).

333.5.1 TYPES OF ASSISTANCE AVAILABLE

Office members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Office will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to office services, programs, and activities. The Office will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Office will not require that persons with disabilities use office-provided assistive devices, auxiliary aids, and services. Office-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

333.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

333.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying.

Deputies pursuing a criminal investigation shall make arrangements to provide a qualified interpreter, assistive device, or auxiliary aid to assist in an interview or questioning of a victim or witness who has a hearing impairment (CRS § 13-90-204).

The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

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(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.

(c) Familiar with the use of text- and video-based communications products and systems.

(d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).

(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 or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

333.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Office will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

333.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, office-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, office members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

333.5.6 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

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Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

333.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Office recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this office. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

333.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this office will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

333.6.1 STATE REQUIREMENTS

Deputies who arrest an individual with a hearing impairment shall make available to the individual a qualified interpreter to assist during *Miranda* warnings, interrogations, or statements. If the individual is otherwise eligible for release, they shall not be held pending the arrival of a qualified interpreter (CRS § 13-90-204).

333.7 ARREST

If an individual with a communication-related disability is arrested, the arresting deputy shall use office-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the deputy reasonably determines another effective method of communication exists under the circumstances.

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.

333.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Office web content should be developed in

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conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Office website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

333.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

(a) The type of modification, assistive device, auxiliary aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Office or another identified source, as applicable.

(c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

333.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the office's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Office shall assist persons with disabilities who require assistance to file a complaint regarding members of this office. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate.

333.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy, related procedures, forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.

(d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

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The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

333.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of office assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.

(d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all the Dispatch Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

333.11.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Annual in-service training for deputies shall include training on interactions with persons with various types of disabilities (CRS § 24-31-315).

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Naloxone Administration Program

335.1 PURPOSE AND SCOPE

The purpose of this policy is to establish written guidlines and procedures governing the utilization of Naloxone by members of the Montezuma County Sheriff's Office.

335.2 DEFINITIONS

Opioid- An opioid is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (a synthetic opiate). Opioid drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep.Law enforcement officers often encounter opioids in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet®, and Percodan®), and hydrocodone (Vicodin®). Naloxone: Naloxone (also known as Narcan) is an opioid antagonist that can be used to counter the effects of opioid overdose. Specifically, it can displace opioids from the receptors in the brain that control the central nervous system

Naloxone- Naloxone (Narcan) is an opioid antagonist, which means it displaces the opioid from receptors in the brain and can therefore reverse an opioid overdose. It is not a scheduled drug, and it has no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opioid overdose, it will do no harm. Naloxone has been available as an injectable since the 1960s, but was recently developed as a nasal spray with a shelf life of 1-1/2 to 2 years.

335.3 POLICY

Naloxone will be issued to all uniformed Patrol Division members as part of their issued equipment to be worn on their person, and all unmarked Detective Division vehicles, for the treatment of opiate overdose victims. Other enforcement personnel may also be issued Naloxone if requested and available. The objective is to reduce injuries and fatalities due to opioid-involved overdoses. On-duty deputies should be dispatched to any call that relates to a drug overdose. The goal of the responding deputy will be to provide immediate assistance via the use of Naloxone where appropriate, to provide any treatment commensurate with their training as first responders, to assist other Emergency Medical Service (EMS) personnel on scene, and to handle any criminal investigations that may arise.

335.4 USE OF NALOXONE

Once trained and supplied, deputies and supervisors shall carry a Naloxone atomizer kit (containing two doses of Naloxone) as part of their duty gear. This kit is to be administered to persons in the field who are suffering from opioid overdoses or for a member who inadvertently is exposed to fentanyl through the course of their regular duty.

Fentanyl and fentanyl analogues, such as acetyl fentanyl, pose a significant danger to public safety as public health workers, law enforcement personnel, and the general public may unwittingly come into contact with it. Due to its rapid rate of absorption into the human body, reports indicate that as little as 250 micrograms (0.25mg) of pure fentanyl can be deadly. Visibly, that amount is about

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the size of a few grains of table salt. Members of the public, health workers, and public safety and law enforcement officials are advised to consider the potential exposure to fentanyl and take appropriate safety precautions.

When a member of the Montezuma County Sheriff's Office has arrived at the scene of a medical emergency prior to the arrival of EMS and has made a determination that the patient is suffering from an opioid overdose, the responding deputy should administer Naloxone to the patient by way of the nasal passages. One-half of the volume of the prefilled syringe should be administered into each nostril.

The following steps should be taken:

(a) Members will use universal safety precautions. The member will use gloves and remove the applicator. A CPR facemask should be available for rescue breathing. Follow CPR protocol and check for breathing.If not breathing, give a few quick breaths utilizing the CPR facemask.

(b) Members should assess the medical condition of the patient with consideration for statements from any witnesses and/or family members regarding drug use.

(c) If the member makes the determination that there has been an opioid overdose, the member should notify the Cortez Communication Center that the subject is in a potential overdose state and request EMS before employing the Naloxone kit. It is reasonable and appropriate to deliver Naloxone to any unresponsive subject under this policy.

(d) The patient should continue to be observed and treated as the situation dictates. If there is no change in three to five minutes, the member should administer another dose of Naloxone if available.

(e) The treating member will inform incoming EMS personnel about the treatment(s) and condition of the patient. The member will not relinquish care of the patient until relieved by a person with a higher level of medical training.

335.4.1 SIGNS OF OPIOID OVERDOSE

The number of opiates that a person can overdose on are many, the most popular are: heroin, fentanyl, oxycodone, oxymorphone, morphine, codeine, hydrocodone, hydromorphone, and methadone.

1. Signs of an opiate overdose are:

- Awake, but unable to talk
- Body is very limp
- Face is very pale or clammy
- Fingernails and lips turn blue or purplish black
- For lighter skinned people, the skin tone turns bluish purple, for darker skinned people, it turns grayish or ashen.
- Breathing is very slow and shallow, erratic, or has stopped

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- Pulse (heartbeat) is slow, erratic, or not there at all
- Choking sounds, or a snore-like gurgling noise (sometimes called the “death rattle”)
- Vomiting
- Loss of consciousness
- Unresponsive to outside stimulus

2. A drug-related overdose can be defined as: “An acute condition, including mania, hysteria, extreme physical illness, coma or death, resulting from the consumption or use of a controlled substance or another substance with which a controlled substance was combined, that a person would reasonably believe to be a condition that requires medical attention.”

335.5 REPORTING

A thorough and complete case report of the event involving the administration of Naloxone will be completed by the administering member prior to the end of his/her shift. The MCSO Overdose Prevention Program Report Form will also be completed and submitted to the Detective Division for record keeping purposes. See attachment: MCSO Overdose Prevention Program Report Form narcan.pdf

335.6 ISSUE AND REPLACEMENT

It will be the responsibility of the Patrol Division Lieutenant or designee to assign the Naloxone (Narcan) kits to authorized enforcement members. It will be the responsibility of each member assigned a Naloxone kit to inspect the kit contents to ensure that all items are intact and ready for use prior to assuming shift duties daily. Naloxone kits will not be left in vehicles overnight or otherwise be exposed to extreme temperatures for extended periods of time. The School Resource Officer will have an assigned Naloxone kit immediately available during daily shift duties and each attended school function.

Damaged Naloxone and first aid equipment will be reported to the Patrol Division Lieutenant or designee via the shift supervisor immediately for replacement. The first-line supervisor may require a written incident report from the member in the event that the needed replacement was due to damage or being lost.

The Patrol Division Lieutenant or designee will maintain a written inventory documenting the quantities and expirations of each Naloxone kit and supplies, and a log documenting the issuance of replacement units. Each Naloxone unit will be replaced within 90 days of the expiration date.

335.7 TRAINING

All enforcement members will receive initial education and training in the use of Naloxone to assist a person at risk of experiencing an opioid involved overdose. Annual training will include signs of overdose, universal safety precautions, action to be taken, administration of Naloxone, CPR, required daily inspections, and the reporting of the use of Naloxone.

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Pupil Arrest Reporting

336.1 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.

336.2 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 School Security Resource Officer or the Records Section notifies the chief administrative officer of the school or the appropriate designee of the arrest of a pupil.

If the arrest involved alcohol or a controlled substance, the School Security Resource Officer or the Records Section shall ensure the chemical abuse pre-assessment team of the school is notified regarding the arrest, as allowed by law.

336.2.1 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.

336.2.2 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.

336.2.3 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.

336.3 RESTRAINTS OF JUVENILES

A juvenile under 14 years of age **should not** be restrained unless the juvenile is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure them self, injure the deputy, an immediate danger to others, or damage property.

A deputy working as a school resource officer or deputy responding to a public school or school-sanctioned event **shall not** handcuff any juvenile unless the juvenile poses a threat to self or others or during transport after arrest (CRS § 26-20-111).

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Biological Samples

337.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

337.2 POLICY

The Montezuma County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

337.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (CRS § 16-23-103; CRS § 16-11-102.4):

(a) Every adult arrested for a felony offense, as part of the booking process, or who is charged with a felony by an indictment, information, or felony complaint.

(b) In all other cases, upon the adult's first appearance in court following the filing of charges, when a court requires the adult to submit a sample to the investigating agency responsible for fingerprinting pursuant to CRS § 16-21-104.

(c) Persons who have been convicted and are required to submit a sample under CRS § 16-11-102.4.

337.4 PROCEDURE

When an individual is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy.

337.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to CRS § 16-23-103 or CRS § 16-11-102.4.

(b) Verify that a biological sample has not been previously collected from the offender by querying the person’s criminal history. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use the designated collection kit provided by the Colorado Bureau of Investigation (CBI) to perform the collection and take steps to avoid cross contamination.

337.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force.

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Force will not be used in the collection of samples except as authorized by court order. Methods to consider when seeking voluntary compliance include contacting:

(a) The person’s parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person’s next court appearance.

(d) The person’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if available.

The supervisor shall review and approve any plan to use force and be present to document the process.

337.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office’s records retention schedule.

337.6 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

337.6.1 LITIGATION

The Sheriff or the authorized designee shall immediately notify the Colorado Attorney General’s Office in the event this office is named in a lawsuit involving the DNA database.

337.6.2 FORWARDING BIOLOGICAL SAMPLES

All biological samples and related materials shall be promptly forwarded to CBI using CBI material, labels, and instructions for prompt analysis (CRS § 16-23-103(6); CRS § 16-23-104).

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Chaplains

338.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Montezuma County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families, and members of the public.

338.2 POLICY

The Montezuma County Sheriff's Office shall ensure that office chaplains are properly appointed, trained, and supervised to carry out their responsibilities without financial compensation.

338.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs and excessive debt.

(b) Managing his/her households, families, and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

338.4 RECRUIT, SELECTION, AND APPOINTMENT

The Montezuma 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.

All applicants shall be required to meet and pass the same pre-employment procedures as office personnel before appointment.

338.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with office policy on equal opportunity and 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. Chaplain candidates are encouraged to participate in ride-alongs with office members before and during the selection process.

338.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

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(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Sheriff and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

338.5 IDENTIFICATION AND UNIFORMS

As representatives of the Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Montezuma County Sheriff's Office identification cards, which must be carried at all times while on duty. The identification cards will be the standard Montezuma County Sheriff's Office identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or office property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this office.

338.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Detention Division Captain, or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Office, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Detention Division Captain.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting, and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain call-out roster.

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(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

338.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Office, its members, and the community, as needed. Assignments of chaplains will usually be to augment the Detention Division and Patrol Division. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the Office.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing themselves as chaplains with this office. 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 service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Montezuma County Sheriff's Office.

338.7.1 COMPLIANCE

Chaplains are volunteer members of this office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

338.7.2 ASSISTING OFFICE MEMBERS

The responsibilities of a chaplain related to office members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

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(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

338.7.3 ASSISTING THE OFFICE

The responsibilities of a chaplain related to this office include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances, and any other incident that in the judgment of the Patrol Lieutenant or supervisor aids in accomplishing the mission of the Office.

(c) Responding to all major disasters, such as natural disasters, bombings, and similar critical incidents.

(d) 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 members.

(e) Attending office and academy graduations, ceremonies, and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the office.

338.7.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators, and the Office.

(c) Providing liaison with various civic, business, and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

338.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

338.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Office may work or volunteer for the Montezuma 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, psychotherapist-patient, and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are

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not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Montezuma County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

338.9 TRAINING

The Office will establish a minimum number of training hours and standards for office chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

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Service Animals

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is 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 individual's disability (28 CFR 35.104).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

339.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to provide equal access to services, programs, and activities of the Office to persons with service animals. Office members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service animal (CRS § 24-34-804).

339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Montezuma County Sheriff's Office affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

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.

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- 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.

339.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally 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 member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service 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 questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

339.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Office members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

339.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a office supervisor may direct the handler 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 service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and 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 access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

339.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members 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 handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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Service Animals

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 (DOJ).

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Child and Dependent Adult Safety

340.1 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.

340.2 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 Montezuma 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.

340.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine whether 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) Inquire about and confirm the location of any children or dependent adults.

(b) 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.

(c) 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 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.

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340.3.1 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.

    (a) 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 Patrol Lieutenant 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.

340.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county, or state services agency.

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340.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where, and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

340.3.4 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.

340.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should consider contacting the appropriate welfare service or other office-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

340.5 TRAINING

The Training Manager 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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Volunteer Program

342.1 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 non-sworn 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.

342.1.1 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, persons providing administrative support, and youth involved in a law enforcement Explorer Post, among others.

342.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Montezuma County Sheriff's Office volunteer include:

(a) Residency in the County of Montezuma.

(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 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 10 years, excluding petty traffic offenses.

(h) No condition of mental health disorder or chemical dependency that may adversely affect the person's ability to serve in the position.

(i) Physical requirements reasonably appropriate to the assignment.

(j) A personal background history and character suitable for a person representing the Office, as validated by a background investigation.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

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342.2 VOLUNTEER MANAGEMENT

342.2.1 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.

342.2.2 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.

342.2.3 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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(d) Credit check.

A truth verification exam may be required of each applicant depending on the type of assignment.

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.

342.2.4 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.

342.2.5 MEMBERS WORKING AS RESERVE

Certified members 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 or labor agreements (example: a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to a member serving in a reserve, auxiliary, or volunteer capacity (29 CFR 553.30).

342.2.6 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.

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.

342.2.7 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, or 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 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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342.2.8 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.

342.3 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 members 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.

342.4 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.

342.5 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.

342.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments 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 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 a Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that 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 a Office vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

342.5.2 RADIO AND MDC 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.

342.6 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.

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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.

342.6.1 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.

342.7 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.

342.8 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

343.1 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.).

343.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

343.2 POLICY

It is the policy of the Montezuma 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.

343.3 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.

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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

343.4 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 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

344.1 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 Montezuma County Sheriff's Office with respect to taking law enforcement action while off duty.

344.2 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, deputies 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.

344.3 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 are prohibited 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 any 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)).

344.4 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.

344.4.1 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 Montezuma County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

344.4.2 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.

344.4.3 RESPONSIBILITIES

Non-sworn 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.

344.4.4 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.

344.5 REPORTING

Any deputy, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Montezuma 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 Patrol Lieutenant and/or Detective Lieutenant shall determine whether a report should be filed by the member.

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Illness and Injury Prevention Program

345.1 PURPOSE AND SCOPE

The health and safety of the members of the Montezuma County Sheriff's Office is important to executive and management staff, and is critical to the operation of this office and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Montezuma County Sheriff's Office. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring these guidelines and directives are implemented.

345.2 RESPONSIBILITY

The Administration Division Supervisor, acting as the IIPP administrator for this office, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from members about the IIPP.

345.3 COMPLIANCE

The Administration Division Supervisor is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Administration Division Supervisor should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.

(b) Recognizing employees who perform safe work practices.

(c) Ensuring that the employee evaluation process includes the employee's safety performance.

(d) Ensuring the compliance of this office with safety rules regarding:

1. Protection from bloodborne pathogens
2. Protection from airborne transmissible diseases
3. Prevention of heat-related illness
4. Respiratory protection

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Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Personnel Complaints Policy.

All employees should use safe work practices, follow all directives and policies and assist in maintaining a safe work environment.

345.4 COMMUNICATION

Supervisors shall establish and maintain communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(a) The Administration Division Supervisor will ensure 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 worker orientation, including a discussion of safety and health policies and procedures.
2. Regular member review of the IIPP.
3. Workplace safety and health training programs.
4. Regularly scheduled safety meetings.
5. Posted or distributed safety information.
6. A system for workers to anonymously inform management about workplace hazards.
7. Establishment of a labor/management safety and health committee, which will:
    (a) Meet regularly.
    (b) Prepare a written record of the safety and health committee meeting.
    (c) Review the results of periodic scheduled inspections.
    (d) Review investigations of accidents and exposures.
    (e) Make suggestions to management for the prevention of future incidents.
    (f) Review investigations of alleged hazardous conditions.
    (g) Submit recommendations to assist in the evaluation of member safety suggestions.
    (h) Assess the effectiveness of the efforts made by this office to address the following issues:
        1. Protection from bloodborne pathogens
        2. Protection from airborne transmissible diseases
        3. Prevention of heat-related illness

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345.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and should utilize an applicable Hazard Assessment Checklist to ensure a thorough inspection.

345.5.1 ADMINISTRATION DIVISION SUPERVISOR INSPECTION DUTIES

The Administration Division Supervisor shall ensure that an applicable Identified Hazard and Correction Record Form is completed for each inspection.

345.5.2 PATROL DEPUTIES INSPECTION DUTIES

Deputies are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Deputies shall complete an Identified Hazard and Correction Record Form if an unsafe condition cannot be immediately corrected. Deputies should forward this report to their supervisor.

345.5.3 SUPERVISOR ASSESSMENT DUTIES

Supervisors should inform the Administration Division Supervisor when the following occurs:

- New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The Administration Division Supervisor will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

345.6 ACCIDENT/EXPOSURE INVESTIGATIONS

Members must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. 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 visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken.

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345.7 HAZARD CORRECTION

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 supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. 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 workers 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.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Record Form. This should be forwarded to the Administrative Services Division Lieutenant via the chain of command.

345.8 TRAINING AND INSTRUCTION

The Administrative Services shall work with the Training Manager to ensure all workers, including supervisors, are trained on general and job-specific workplace safety and health practices.

(a) Training shall be provided:

1. To all new members for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
2. To all workers given new job assignments for which training has not previously been provided.
3. Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
4. Whenever the office is made aware of a new or previously unrecognized hazard.
5. To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
6. To all workers with respect to hazards that are specific to each members job assignment.

(b) The Office IIPP training shall include:

1. An explanation of the IIPP, the emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
2. The use of appropriate clothing, including gloves, footwear, and personal protective equipment.
3. Information about chemical hazards to which members could be exposed.
4. The availability of toilet, hand-washing, and drinking-water facilities.

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5. Provisions for medical services and first aid, including emergency procedures.
6. Steps to prevent heat-related illness.

345.9 RECORD KEEPING

The Administration Division Supervisor will do the following to implement and maintain IIPP records:

(a) Make available the Identified Hazard and Correction Record Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.

(b) The Administration Division Supervisor will also make available the Investigation/ Corrective Action Report to document individual incidents or accidents.

(c) Develop a Worker Training and Instruction Form to document the safety and health training of each member. This form will include the member name or other identifier, training dates, type of training and training providers.

(d) Retain inspection records and training documentation for a minimum of one year.

345.10 TRAINING SUBJECTS

The Undersheriff and Administration Division Supervisor should work with the Training Manager to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning, and/or storing weapons
- Good housekeeping and fire prevention
- Back exercises/stretches and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures
- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Bloodborne pathogens and other biological hazards

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- Other job-specific hazards

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Office Use of Social Media

346.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by office members (see the Member Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this office (see the Investigation and Prosecution Policy).

346.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the office website or social networking services.

346.2 POLICY

The Montezuma County Sheriff's Office may use social media as a method of effectively informing the public about office services, issues, investigations, and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

346.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only office-approved equipment during the normal course of duties to post and monitor office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over office social media by members who are not authorized to post should be made through the member’s chain of command.

346.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the office mission, and that conforms to all office policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the office mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Media releases.

(h) Recruitment of personnel.

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

346.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

346.4.2 OTHER REQUIREMENTS

Where reasonably possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the office’s presence on the website.

346.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

1. Members shall observe all copyright, trademark and service mark restrictions in posting materials to social media.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Montezuma County Sheriff's Office or its members.

(e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

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Any member who becomes aware of content on this office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

346.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact office members directly.

346.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, at least annually, the use of office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the office social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

346.7 RETENTION OF RECORDS

The Administration Division Supervisor should work with the Records Section to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

346.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on office sites.

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Clandestine Laboratory Investigations

347.1 PURPOSE AND SCOPE

The presence of hazardous materials found at clandestine laboratories (commonly known as “clan labs”) is a concern of the Montezuma County Sheriff’s Office. Hazardous and toxic materials complicate enforcement efforts and require specialized procedures to effectively address health, occupational safety, and environmental concerns. Because of the special expertise required for clan lab investigations, seizures, and cleanup, it is essential that the Montezuma County Sheriff’s Office coordinate resources with federal, state, and local agencies. See Montezuma County Sheriff’s Office Hazardous Materials Response Policy.

347.2 OBJECTIVES

(a) To comply with federal safety rules and regulations.

(b) To coordinate with federal, state, and local agencies during all phases of the investigative process, the seizure process, and cleanup process.

347.3 PROCEDURES

(a) When a clandestine laboratory is discovered, members will not touch anything associated with the laboratory, but will immediately secure the location, and notify the on-duty supervisor.

(b) Officers should be observant of any hazards associated with the laboratory to include but not limited to:

1. Chemical
2. Glassware
3. Unmarked containers
4. Solvents
5. Any other items which could be associated with the manufacture of methamphetamine.

(a) The on-duty supervisor shall Notify the Colorado State Patrol Dispatch Center to request assistance from the Colorado State Patrol Hazardous Materials Unit, and/or the U.S. Drug Enforcement Administration.

(b) The Fire Department within that Fire Protection District shall be called immediately to ensure the safety of the public and responding officers.

(c) The member(s) who initially discovered the laboratory will obtain as much information as possible on suspect(s), suspect vehicle(s), circumstances surrounding the discovery, and other pertinent information, which will assist the clandestine laboratory investigation.

(d) If a clandestine laboratory is discovered in a vehicle, the vehicle will be immediately secured, and the member(s) discovering the laboratory will ensure that the vehicle is not blocking or endangering the flow of traffic and/or public safety.

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(e) If the vehicle is blocking the flow of traffic, member(s) may only move the vehicle off to the side of the road.

(f) At no time will any portion of a clandestine laboratory be removed from the interior portions (trunk, etc.) of a vehicle(s).

(g) At no time will clothing or any personal belongings be removed from the vehicle without the authorization of a certified clandestine laboratory investigator.

(h) All evidence items taken from the scene of a clandestine laboratory will be at the direction of the lead Clandestine Laboratory Investigator with the Colorado State Patrol, Hazardous Materials Unit, or DEA.

(i) Samples of evidence taken by the lead Clandestine Laboratory Investigator with the Colorado State Patrol, Hazardous Materials Unit, will be turned over to the assigned investigating member, who in turn will secure the evidence for proper submission to the Colorado Bureau of Investigation crime lab.

(j) Any residences, buildings, vehicles, or property involved where a confirmed clandestine laboratory was discovered, will be secured and processed as directed by the Colorado State Patrol, Hazardous Materials Unit, or U.S. Drug Enforcement Administration.

347.4 TRAINING

This policy will be reviewed annually. Patrol and Detective Division members will receive awareness and safety training annually.

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Community Relations

348.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship building.

Additional guidance on community relations and outreach is provided in other policies, including:

- Bias-Motivated Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

348.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to promote positive relationships amongoffice members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

348.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions, Contacts, and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the office community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and the Dispatch Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Dispatch Center of their location and status during the foot patrol.

348.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Office to serve as the community relations coordinator. He/she should report directly to the Sheriff or authorized designee and is responsible for:

(a) Obtaining office-approved training related to his/her responsibilities.

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(b) Responding to requests from office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the office's relationship with the community.

(d) Working with community groups, office members, and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between office members and the community and provide community members with an improved understanding of office operations.

(e) Working with the Patrol Division Lieutenant to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.

(f) Recognizing office and community members for exceptional work or performance in community relations efforts.

(g) Attending County council and other community meetings to obtain information on community relations needs.

(h) Assisting with the office's response to events that may affect community relations, such as an incident where the conduct of a office member is called into public question.

(i) Informing the Sheriff and others of developments and needs related to the furtherance of the office's community relations goals, as appropriate.

348.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and office members to be conducted at least annually to assess the condition of the relationship between the Office and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the Office.

(b) Overall competence of office members.

(c) Attitude and behavior of office members.

(d) Level of community trust in the Office.

(e) Safety, security, or other concerns.

A written summary of the compiled results of the survey should be provided to the Sheriff.

348.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for office members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Office-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

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(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

348.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in office operations, comments, feedback, positive events) between the Office and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Office Use of Social Media Policy).

(c) Office website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

348.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Office website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Office ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Office.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Office regarding alleged misconduct or inappropriate job performance by office members.

348.9 SAFETY AND OTHER CONSIDERATIONS

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

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Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

348.10 COMMUNITY ADVISORY COMMITTEE

The Sheriff should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the Office to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the Office and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Coordinator should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Sheriff may include the committee in the evaluation and development of office policies and procedures and may ask committee members to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training, or other issues as appropriate.

348.10.1 LEGAL CONSIDERATIONS

The Sheriff and the community relations coordinator should work with the Sheriff's Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance, and any other associated obligations or procedures.

348.11 TRANSPARENCY

The Office should periodically publish statistical data and analysis regarding the office's operations. The reports should not contain the names of deputies, suspects, or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding office operations.

348.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

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(a) Effective social interaction and communication skills.

(b) Cultural, racial, and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

348.12.1 STATE-MANDATED TRAINING

The Training Coordinator is responsible for ensuring that members attend community policing and community partnership training as required by CRS § 24-31-315.

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Extreme Risk Protection Orders

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for serving, and in rare cases, petitioning for extreme risk protection orders, and accounting for firearms and concealed carry permits obtained pursuant to those orders (CRS § 13-14.5-108).

349.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order (ERPO) - Is either a temporary order or a continuing court order (also referred to as a 364 day extreme risk protection order) pursuant to C.R.S. 13-14.5-110 to 13-14.5-114. A civil court 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 prohibited by an extreme risk protection order.

349.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to protect the Constitutional rights of all people. Through the daily performance of our duty and our mission to serve, protect and enforce, we will carefully evaluate and weigh the rights of people to be free from unreasonable search and seizure, with the rights of people to be free from acts or threatened acts of violence, and respond in a reasonable and lawful manner.

Members of the Montezuma County Sheriff's Office will comply with the Sheriff's statutory mandate to serve civil process in accordance with Rule 4 of the Rules of Civil Procedure, Rule 304 of the Colorado Rules of County Court Civil Procedure and C.R.S. 13-14.5-105(c), and C.R.S. 13-14.5-106.

The new ERPO legislation places service obligations on the law enforcement agency in the jurisdiction where the respondent resides. Civil process of ERPO's will be conducted by Certified Sheriff Deputies, and will only occur in unincorporated areas of Montezuma County and the Town of Dolores as provided by the Sheriff's Contract to provide law enforcement services within the town limits. No fees for filing or service will be charged to a petitioner regarding an ERPO. The respondent must be personally served with the Temporary ERPO, if one exists, as well as the petition and notice of hearing issued by the court. If service is not completed within five days, the serving deputy shall notify the petitioner and request any additional information that may assist in locating the respondent. Extreme risk protection orders will be served in compliance with state law, properly accounting for prohibited items obtained by the Office pursuant to such orders.

349.3 EXTREME RISK PROTECTION ORDER CIVIL PROCESSING COORDINATOR

The Patrol Division Supervisor shall, or the Sheriff's other designee, be the recipient of Extreme Risk Protection Orders sent to the Montezuma County Sheriff's Office by the Court Administrator for service. The Patrol Division Supervisor will notify and provide the ERPO to the Sheriff for

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review. The ERPO will then be submitted to the Civil Processing Coordinator in the Administrative Division for required entry and review. Civil Process of ERPO's by Sheriff's Deputies will only occur in the unincorporated areas of Montezuma County and the Town of Dolores as provided by the Sheriff's Contract to provide law enforcement services within the town limits.

Responsibilities of the Extreme risk protection order civil processing coordinator include:

(a) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CRS § 13-14.5-103 and CRS § 13-14.5-106. Procedures should include (CRS § 13-14.5-106):

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service and Operations Planning and Deconfliction policies).

(a) Additional time to allow for the proper and safe planning and execution of the court order may be requested, if needed.

2. Forwarding orders, receipts, and other required notices to the Records Manager for recording in appropriate databases and required notice to the court, as applicable (CRS § 13-14.5-108).

3. Developing a process for achieving timely service of orders.

(b) Coordinating with the Training Manager to provide deputies who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(c) Reviewing each petition and any associated court documents for an order to ensure compliance with this policy, office procedures, and state law.

(d) Coordination with the Evidence Technician in developing and maintaining procedures for members to accept surrendered prohibited items at times other than when an order is being served by the office.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(e) Developing a process for receiving and reviewing notices from the court that a respondent of an extreme risk protection order has failed to make required filings and determining whether there is evidence that the respondent has failed to surrender any prohibited items (CRS § 13-14.5-108).

349.4 EXTREME RISK PROTECTION ORDERS

A deputy who reasonably believes that an extreme risk protection order is appropriate shall obtain approval from the Sheriff prior to seeking an order.

(a) Procedures for the filing of a petition for an order or a renewal of an order by office members are as follows and should include (CRS § 13-14.5-103; CRS § 13-14.5-104):

1. For temporary extreme risk protection orders, that a search warrant shall be sought concurrently with any petition.

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2. A process for handling notices received from non-law enforcement petitioners to determine whether office attendance at a hearing is appropriate.
3. Involving agency counsel (County Attorney) as required.
4. Making required state court administrator forms available (CSR § 13-14.5-114).

(b) Factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to self or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

349.4.1 STANDARDS

Extreme Risk Protection Orders are civil, not criminal court orders. ERPO's will not be considered or used in cases where criminal violations of the law have occurred.

Extreme risk protection orders may be appropriate if a person poses a significant risk of causing personal injury to him/herself or others by having a firearm in his/her custody or control (CRS § 13-14.5-104). If a person poses a significant risk of causing personal injury to him/herself or others in the near future by having a firearm in his/her custody or control, a temporary extreme risk protection order may be appropriate (CRS § 13-14.5-103).

349.4.2 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the issuance of an extreme risk protection order, deputies should make a reasonable good-faith effort to provide notice to a family or household member of the person named in the order and to any other person who may be at direct risk of violence. Deputies should also provide family or household members with referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources (CSR § 13-14.5-105). No Deputy will give legal advise regarding civil process.

Deputies should document all efforts to provide notice and indicate whether or not the efforts were successful.

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349.5 SERVICE OF ORDERS

The Sheriff's Office Deputy serving process of the Temporary ERPO will only do so after obtaining as much information as is practical to ensure that process can be served in a safe manner for the safety of the Deputy, the respondent and the public. Additionally, the Deputy will advise the respondent of his/her obligations under C.R.S. 13-14.5-108, to surrender any firearms and concealed carry permits; but as indicated in MCSO Policy 347.4.2, no Deputy will give legal advice regarding civil process. The Deputy shall thoroughly document any observations about the behavior of the respondent in a written case report.

When appropriate based on the circumstances and office procedures, service of an order should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should fewer than two deputies be present when an order is being served.

Deputies shall serve a copy of an extreme risk protection order, along with any accompanying notice of hearing and petition, as applicable, on the person named in the order as soon as practicable.

Service of orders shall take precedence over the service of other documents, unless the documents are of a similar emergency nature.

Through the County Attorney, the Sheriff, or his designee, will appear as an "interested party" at all "continuing" ERPO hearings. At such hearings, the Sheriff or his designee will provide information to the court regarding any Sheriff's Office contact with the respondent and wether, in the Sheriff's or designee's opinion, the respondent presented a danger to self or others during these contacts.

349.5.1 ADDITIONAL SERVICE REQUIREMENTS

If deputies are not able to complete service within five days, they should make reasonable attempts to notify the petitioner and gather additional information of the respondent’s potential whereabouts (CRS § 13-14.5-106).

A notice providing referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources should be provided to the person being served with a temporary extreme risk protection order at the same time as service of the order (CRS § 13-14.5-103).

349.5.2 SURRENDER OF PROHIBITED ITEMS

Deputies serving an extreme risk protection order should request that the named person immediately surrender all prohibited items as required by the order. Deputies should identify the actual owner of any firearm found or kept in the possession of the respondent, and immediately notify the owner of firearms and the court order prohibiting the respondent to be in possession of those firearms. Deputies may take temporary possession of firearms for safekeeping that have been identified as the owner, other than the respondent. Those firearms shall be release to the actual owner as provided in Policy 347.6. As provided in C.R.S. 18-12-112(6)(b) firearms can be transferred as a bona fide gift or loan between family members, which are limited to spouses, parents, children, siblings, grandparents, grandchildren, nieces, nephews, first cousins, aunts and uncles; as long as they are not a petitioner, co-petitioner or person(s) to be protected in an ERPO,

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and notified of the court order prohibiting possession of firearms by the respondent. The same will apply to transferring possession of the antique firearm or curio or relic to a relative who does not live with the respondent after confirming, through a criminal history record check, the relative is currently eligible to own or possess a firearm under federal and state law.

The respondent of an ERPO may also request that any firearms in his/her possession be transferred to a Federally licensed Firearms Dealer for safekeeping. If the respondent so chooses, the serving Deputy will assist in contacting the Federal Firearms License Dealer and aid in the transfer of any firearm(s), and document the transfer in the return of service to the court (CRS § 13-14.5-108).

In the event that a respondent desires to offer his/her firearms and/or concealed carry permit to the Sheriff's Office for safekeeping, the Deputy will receive the firearm(s) and/or permit, and submit them to the Evidence Technician in accordance with the MCSO Property and Evidence Policy. An itemized inventory of items received from the respondent shall be provided to the respondent, and a copy will also accompany the process service return of service, which must be submitted to the court within 72 hours of serving the ERPO. If no firearms or permit are received from the respondent, this fact will be documented in the return of service to the court (CRS § 13-14.5-108).

349.5.3 SEARCH WARRANTS

Sheriff's Office deputies will only seek a search warrant for firearms, in accordance with C.R.S. 16-3-301 and 16-3-303, when accompanied by an arrest warrant wherein probable cause has been established to believe that the suspect poses a risk to the safety of another person; or when the deputy reasonably believes and has articulated a factual basis that establishes the suspect to be an immediate danger to others or himself/herself, or appears to be gravely disabled, and no other means of resolution are available, in which case the suspect is to be taken into custody for purposes of a 72 hours mental health hold in accordance with the established criteria detailed in C.R.S. 27-65-105.

Sheriff's Office personnel or resources shall not be made available to other requesting law enforcement agencies unless the above requirements are met.

When a search warrant is executed, the deputy shall complete the Search Warrant Return and Inventory form, itemizing any firearms and/or concealed carry permit seized, and attach a copy of the form to the return of service, which must be submitted to the court within 72 hours of executing the search warrant. A copy of the itemized inventory must also be provided to the suspect.

349.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in Office custody pursuant to an extreme risk protection order shall be referred to the Evidence Technician and the Civil Processing Coordinator.

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349.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Civil Processing Coordinator is responsible for the review of any extreme risk protection order obtained by the Office to determine if renewal or extension of the order should be requested within the time prescribed by law (CRS § 13-14.5-107).

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Peace Officer Credibility Disclosure Notifications

350.1 PURPOSE

Consistent with the requirements under state law, this policy seeks to establish uniform and consistent standards requiring law enforcement agencies to disclose specific information to district attorneys that may impact the credibility of a peace officer in a criminal prosecution, and to establish uniform procedures for district attorneys to timely disclose such information to the defense under the Colorado Rules of Criminal Procedure and to increase transparency to allow members of the public to access information concerning peace officers who are subject to a credibility disclosure notification.Senate Bill 21-174.

350.2 DEFINITIONS

As used in this policy, the below terms shall have the following meaning:

1. "**Credibility Disclosure Notification**" means the notification described in C.R.S. 16-2.5-502(2)(c) and described in Section 348.3(A) and 348.3(B) of this policy.

(a) "**Law Enforcement Agency**" means a state or local agency that employs peace officers.

(a) "**Official Criminal Justice Record**" means any handwritten or electronically produced report or documentation that a law enforcement agency requires a peace officer to complete as part of the peace officer'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 an agency requires a peace officer to complete as part of the peace officer's official duties where the peace officer knows, or should know the information included may be relevant to an ongoing or future criminal or administrative investigation.

1. "**Untruthfulness**" or "**dishonesty**" means conduct that involves a knowing misrepresentation, including but not limited to intentionally untruthful statements, knowing omissions of material information, and knowingly providing or withholding information with an intent to deceive or mislead.

2. "**Sustained finding**" means a final determination by a law enforcement agency, following a law enforcement agency's administrative procedures for investigating and reviewing alleged misconduct by a peace officer on the merits.

350.3 LAW ENFORCEMENT AGENCY OBLIGATIONS TO PROVIDE OFFICER CREDIBILITY DISCLOSURE NOTIFICATION

Notwithstanding any other procedures or existing legal requirements regarding the disclosure of exculpatory evidence in a criminal proceeding, beginning January 1, 2020, every law enforcement agency shall:

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A. Promptly notify the district attorney's office(s) in the law enforcement agency's jurisdiction, in writing, of any sustained finding made on or after January 1, 2022, where a peace officer:
1. Knowingly made an untruthful statement concerning a material fact;
2. Tampered with or fabricated evidence;
3. Been convicted of any crime involving dishonesty or has been charged with any felony or any crime involving dishonesty;
4. Violated any policy of the law enforcement agency regarding dishonesty.

B. In addition to the credibility disclosure notification required under Section (A), a law enforcement agency shall also notify the district attorney's office(s) in the law enforcement agency's jurisdiction as soon as practicable when a peace officer is under a criminal or administrative investigation that if sustained, would require disclosure under Section (A), and where it also meets both of the following circumstances:

1. The peace officer 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 peace officer involves an allegation related to the peace officer's involvement in the defendant's pending criminal case.

C. For disclosures made pursuant to Section (B), the law enforcement agency shall promptly notify the district attorney's office(s) once the law enforcement agency has completed the agency's administrative process for investigating and evaluating the allegations on the merits.

1. If the law enforcement agency determines through its administrative process that the criminal or administrative allegations are not sustained based on the merits, the law enforcement agency should promptly notify the district attorney of the outcome and the agency or involved peace officer may request that the district attorney's office to remove the credibility disclosure notification from its records as set forth in Section (V)(C), below. 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 (B) applied at the time of the disclosure.

D. Prior to making any credibility disclosure notification required under Sections (A) or (B), a law enforcement agency must give the involved peace officer 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' notice is not practicable due to an impending trial date, the agency shall provide as much notice to the involved peace officer as is practicable under the circumstances.

350.4 CREDIBILITY DISCLOSURE NOTIFICATION PROCEDURES

A. A law enforcement agency shall include the following information in the credibility disclosure notification to be provided in writing to the district attorney’s office(s):

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1. The peace officer's name;
2. The name of the law enforcement agency that employs or employed the peace officer 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 law enforcement agency's possession regarding [name of peace officer] that may affect the peace officer'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 (III)(A) or whether the notification relates to an open criminal or administrative investigation pursuant to Section (III)(B).

B. The law enforcement 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(s) located in the law enforcement agency's jurisdiction.

C. The Sheriff shall send the Notification of Finding of Untruthfulness by use of POST Form 13 to the Colorado Peace Officer Standard and Training as required by C.R.S. 24-31-305 (2.5).

350.5 DISTRICT ATTORNEY OBLIGATIONS

A. On or before January 1, 2022, each district attorney shall:

1. Designate the contact(s) to whom law enforcement agencies should send the required credibility disclosure notifications;
2. Establish a process to timely notify defense counsel or a defendant of credibility disclosure notification records pursuant to Rule 16 of the Colorado Rules of Criminal Procedure;
3. Maintain a current record of all credibility disclosure notifications, distinguishing between sustained findings disclosed pursuant to Section 348.3(A) and open investigations disclosed pursuant to Section (III)(B);
4. Comply with the procedures set forth in Section (B) for entering credibility disclosure notifications.
5. Remove any credibility disclosure notifications records as set forth in Section 348.3(C).
6. Post on the district attorney's or county's website the procedures for how a member of public can access the database created by the P.O.S.T. Board pursuant to section 24-31-303 (1)(r).

B. For any credibility disclosure notification made to a district attorney pursuant to Section 348.3(A) (i.e. involving a sustained allegation), or where a district attorney receives a notification pursuant to Section (III)(B) and the district attorney is subsequently notified by the law enforcement agency that the completed criminal or administrative concluded the allegations against the peace officer

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were sustained, each district attorney shall require members of the district attorney's office to denote in its current record the involved officer as having a credibility disclosure notification.

C. District attorneys shall remove credibility disclosure notification records from the district attorney's records and notification procedures under the following circumstances:

1. When a law enforcement agency made a credibility disclosure notification about an open criminal or administrative investigation pursuant to Section 348.3(B), and subsequently notifies the district attorney that the agency concluded through its administrative process that the criminal or administrative allegations are not sustained based on the merits, and the law enforcement agency or peace officer makes a written request that the district attorney's office(s) remove the credibility disclosure notification from the district attorney's records.

2. When a district attorney makes an independent determination, based on a review of the underlying records (if access to the underlying records is granted by the agency, officer, or by court order) that removal is appropriate or lawful.

3. When a district attorney receives a court order directing the district attorney to remove the credibility notification records.

D. Each district attorney shall review the policies and procedures adopted and implemented under this Section at least every four (4) years to ensure compliance with controlling federal and state case law interpreting Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972); Kyles v. Whitely, 514 U.S. 419 (1995), and it progeny, as well as the Colorado Rules of Criminal Procedure.

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Testing of Controlled Substances and Suspected Illegal Narcotics

351.1 POLICY

The Montezuma County Sheriff's Office will only authorize the use of a TruNarc Thermo Scientific Narcotics Analyzer for the safe testing of suspected narcotics and other unknown substances. The TruNarc is a spectrometer used for the rapid presumptive identification of suspected illegal narcotics and other substances (including prescription medications). This handheld device can analyze most substances through a sealed package and provide an automatic presumptive positive determination on illegal narcotics and other substances.

351.2 DEFINITIONS

TruNarc: Thermo Scientific Narcotics Analyzer

Controlled Substances: A substance that is tightly controlled by State and Federal law due to its possible abuse and addiction; these include prescription medication.

Illegal Narcotics: A substance that has been determined as restricted by Federal and State law; these include heroin, methamphetamine, counterfeit medication, cocaine, and other illicit substances.

Personal Protection Equipment (PPE): Is equipment worn to minimize exposure to a variety of hazards.

Montezuma / Cortez Narcotics Investigation Team (MCNIT): Specialized Narcotics Investigation Unit made up of Montezuma County Narcotics Detective(s) and Cortez Police Dept. Detective(s).

351.3 PROCEDURE

Required Certification of the TruNarc Thermo Scientific Narcotic Analyzer

1. Montezuma County Sheriff's Office Patrol and Detectives will be required to review the complete Operating Manual and obtained Certification with the instrument, through the TruNarc included certified training.

351.4 EVIDENCE COLLECTION AND PROCESSING

While elimination of the hazard should be the first consideration, it is generally not feasible when testing suspected substances. At a minimum, basic PPE (nitrile gloves, safety goggles, and N-95 masks) will be worn before manipulating any powders suspected to contain fentanyl and/or fentanyl-related substances and/or paraphernalia.

Presumptive field testing on crystals/tablets/pills/capsules will be done with a TruNarc and may require a sample to be placed directly on the scanner and/or be dissolved in a substance and then scanned. This will be done with the use of appropriate PPE and under the supervision of another Montezuma County Sheriff's Office employee and/or other assisting agency. Both individuals must

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be certified and have direct access to naloxone (NARCAN). TruNarc manufacturer's instructions should be followed for all testing options to insure the most accurate results.

Fentanyl, regardless of form, will only be submitted by gross weight. Additional pill/tablet counts are not required to avoid any unnecessary manipulation to reduce the risk of airborne fentanyl particles. However, if in such criminal cases in which Distribution of a Controlled Substance is necessary to prove, the weight evidence can be forwarded to The Montezuma / Cortez Narcotics Investigations Team (MCNIT) for accurate counting of individual pills/tablets.

In instance of gross contamination where suspected fentanyl is not contained; such as loose powder on the floor(s), vehicle and/or counter, loose (not packaged) powdery pills, powder in the air, powder present/visible on surfaces and/or other items – including money and/or money containers, etc., only clandestine lab trained personnel wearing the required PPE are permitted to interact with any suspected fentanyl and/or fentanyl related substances, and/or other unknown illicit hazardous substance.

Due to advance training, Narcotics Detectives with Montezuma / Cortez Narcotics Investigation Team maybe the only individuals continuing to analyze suspected narcotics with use of a NIK test (Narcotics Identification Kit) and other methods available to them.

351.5 RESPONSIBILITY AND STORAGE

The TruNarc scientific electronic device is an expensive instrument of advance technology which needs to be maintained and secured. The device and all items associated, will be under the care and custody of Patrol Division Supervisor.

The Patrol Division Supervisor in charge of the TruNarc, will be responsible for the following**:**

1. Storage and Securing of the Device and all components.
2. Responsibility for designating a storage area in which Patrol Deputies and Detectives can access the device as required.
3. Inventory and restocking of dissolvent solution and testing spoons, their storage, assuring availability for Patrol Deputies/Detectives to use.
4. Temporarily issue the included equipment USB and provide the individual Patrol Deputy/Detectives ample time to complete the training and certification with the device.
5. Confirmation of training and certification of all Patrol Deputies/Detectives, through the included computer presentation/training (available with the use of the included TruNarc USB.

Individual Patrol Deputy/Detective responsibilities:

1. Completion of included training and certification.
2. Proper storage and securing of the device at all times.
3. Proper use as explained in the included training.
4. Use of PPE during operations of the device.

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Mobile Fingerprint Scanners

352.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Mobile Fingerprint Scanners (herein after referred to as scanners) to assist in the rapid identification of a person.

352.2 DEFINITIONS

Automated Fingerprint Identification System (AFIS) – a biometric identification (ID) system that uses digital imaging technology to obtain, store, and analyze fingerprint data.

Mobile Fingerprint Scanner (scanner) – a handheld device that communicates with the Colorado Bureau of Investigation's Automated Fingerprint Identification System (AFIS). The scanner checks two fingerprints obtained from the person of interest and can provide positive identification if the fingerprints exist in the RISC database.

Repository of Individuals of Special Concern (RISC) – A subset of the FBI's Criminal Master File with the ability to quickly assess subject threat level and positive identification if the person of interest has a record in the RISC system.

352.3 POLICY

Mobile Fingerprint Scanners provide officers with a specialized tool to assist in the positive identification of individuals. Identifications searched through the AFIS system are limited to subjects in the respective RISC databases. Scanners access AFIS and run the National Crime Information Center (NCIC) and the Colorado Crime Information Center (CCIC) databases for identification purposes only.

Deputies will still need to run the person of interest through NCIC/CCIC and Department of Revenue (DOR) to determine the person's warrant, restraining order, or driving privilege status.

(a) No deputy may use the scanner until after they have received the State-mandated training of the program provided by the Colorado Bureau of Investigation. Agency instructors may provide the required training.

(b) Deputies will maintain the scanner in accordance with the manufacturer's recommendations.

(c) Scanners shall not be used for random purposes or intelligence gathering efforts and their use will be documented in the appropriate investigative, arrest, or criminal case report.

(d) Scanners may also be used with the approval of the Coroner's office staff to identify a deceased individual.

(e) Deputies may use scanners if probable cause exists to arrest the person(s), although the scanner does not replace the traditional fingerprint process.

(f) Deputies may also use scanners to identify at-risk or likely missing persons who are not able to identify themselves.

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(g) Deputies will not take an individual's fingerprint on a consensual contact or a reasonable suspicion stop without the subject's consent. If at any time the subject withdraws the consent, the deputy must stop the fingerprint process.

(h) The subject may withdraw consent at any time. If the consent is withdrawn, the use of the fingerprint device is **NOT AUTHORIZED** and its use must stop immediately. The deputy may not force or coerce the subject to submit to the fingerprinting.

(i) If the subject is a juvenile, upon identification and/or use of the scanner, the parent or legal guardian must be notified of the contact and the reason for a fingerprint scan.

(j) The mobile fingerprint scanner may be used without the consent of the subject:

1. Upon arrest of the subject;

2. If authorized in the execution of a valid search warrant; or if specifically required by statute or pursuant to a court order.

(k) Any "hit" or positive identification through one of the RISC databases must be documented in accordance with the State-mandated training. This reporting is a requirement for access to the RISC databases.

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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 sector areas of Montezuma 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) Investigate and enforce Colorado Livestock Laws within the County of Montezuma.

(h) The sharing of information between the patrol and other divisions within the Office, as well as other government agencies.

(i) 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.

(j) Traffic direction and control.

(k) Investigation of traffic crashes within the Town of Dolores, and OHV crashes within the unincorporated areas of Montezuma County.

(l) Response to disasters, civic unrest, and natural emergencies.

(m) Assist in the service of civil papers.

(n) Any other duties deemed necessary or 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 Montezuma 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 Detective DivisionSupervisor in a timely fashion.

The Detective DivisionSupervisor should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

The Sheriff will be notified and kept apprised of all terrorist activity, information, and intelligence gathered.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Montezuma 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 Records Section 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 bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, detectives 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 patrol briefings, as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by deputies from all divisions within the Office. These include, but are not limited to, the patrol check clipboard, the wanted persons clipboard, and the written directive clipboard.

400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and the Detective Division for display of suspect information, investigative reports and photographs. New General Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the General Order will be placed on the briefing room clipboard.

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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.

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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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Montezuma 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).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups) (CRS § 24-31-309).

401.2 POLICY

The Montezuma 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.

401.3 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.

401.4 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

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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)).

401.4.1 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.

401.5 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 their supervisor in a timely manner.
    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video MAV recordings, body-worn camera (BWC) media, Mobile Data Computer (MDC) 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.

401.6 STATE REPORTING

The Office shall compile, on at least an annual basis, any information derived from complaints received due to the distribution of business cards, as provided in this policy that allege profiling. 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(4)(c)).

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401.7 ADMINISTRATION

The PatrolDivision Lieutenant should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The report should also include a documented review of office activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, citizen complaints, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or deputy. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review this policy and the annual report, and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

(a) Explicit and implicit biases.

(b) Avoiding improper profiling.

401.8.1 ADDITIONAL STATE REQUIREMENTS

All certified members shall attend regular training on the subject of bias-based policing (CRS § 24-31-309; CRS § 24-31-315).

401.9 PUBLIC INFORMATION

The Patrol Division Lieutenant will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

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Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between deputies and supervisors. A supervisor generally will conduct briefing. However, deputies may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.

(b) Notifying deputies of changes in schedules and assignments.

(c) Notifying deputies of new General Orders or changes in General Orders.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

402.2 BRIEFING AND ROLL CALL TRAINING

Briefing and roll call training is generally conducted at the beginning or conclusion of the deputy's assigned shift when possible, yet it may occur at another period. Briefing and roll call training should incorporate short training segments on a variety of subjects and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Reviewing recent incidents for training purposes.

402.3 PREPARATION OF MATERIALS

The supervisor conducting briefing and/or roll call training, or the deputy if the supervisor is unable to participate in a group briefing or roll call training session, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate deputy in his/her absence or for training purposes.

402.4 RETENTION OF BRIEFING AND ROLL CALL TRAINING RECORDS

Briefing and roll call training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

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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 POLICY

It is the policy of the Montezuma County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person. A crime scene log shall be utilized as soon as practical to record date, time, name, and reason or duties for each person entering and exiting a secured scene perimeter.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder’s function 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:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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403.5 SEARCHES

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 continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

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Special Response Team

404.1 PURPOSE AND SCOPE

The Special Response Team (SRT) is comprised oftrained Crisis Negotiators and the Special Weapons and Tactics 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 Special Response 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 DEFINITIONS

Definitions related to this policy include:

SRT team - A designated unit of law enforcement officers, including a multijurisdictional 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 anSRT team and to provide the equipment, manpower, and training necessary to maintain anSRT team. The SRT 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 SRT 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 SRT 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 SRT Best Practices. Because such procedures are specific to SRT 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 duringSRT operations (time permitting).

1. All SRT team members should have an understanding of operational planning.
2. SRT team training should consider planning for both spontaneous and planned events.
3. SRT teams should incorporate medical emergency contingency planning as part of the SRT 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.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel, and augmentation of resources.

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(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 SRT.

(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 SRT 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 SRT commander shall conduct an annual training needs assessment to ensure that training is conducted within team capabilities and office policy.

404.3.1 INITIAL TRAINING

SRT team operators and SRT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

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.

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404.3.2 UPDATED TRAINING

Appropriate team training for the specialized SRT functions and other supporting resources should be completed prior to full deployment of the team.

SRT team operators and SRT 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 SRT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SRT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a critical incident commander course or its equivalent. SRT command personnel should attend an SRT 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 SRT commander. The 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 SRT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SRT 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) Quarterly each SRT team member shall perform the mandatory handgun qualification course. The qualification course shall consist of the SRT basic drill for the handgun. Failure to qualify will require the deputy to seek remedial training from a Certified Firearms Instructor approved by the SRT commander. Team members who fail to qualify will not be used in SRT 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) Quarterly each SRT team member shall perform a mandatory SRT qualification course for any specialty weapon issued to or used by the deputy during SRT operations. Failure to qualify will require the deputy to seek remedial training from a Certified Firearms Instructor approved by the SRT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SRT 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
SRT 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 Office Training Manager/Coordinator. Such documentation shall be maintained in each member's individual training file. A separate agency SRT training file shall be maintained with documentation and records of all team training.

404.3.8 ANNUAL TEAM TRAINING
The SRT 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
SRT 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
SRT 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 bySRT, 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 SRT shall appoint an SRT 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 SRT 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.

404.5 MANAGEMENT/SUPERVISION OF SPECIAL RESPONSE TEAM

The commander of the SRT shall be selected by the Sheriff upon recommendation of the command staff.

404.5.1 PRIMARY UNIT MANAGER
Under the direction of the Sheriff, through the Patrol Division Lieutenant, the Special Response Team shall be managed by the appointed SRT commander.

404.5.2 TEAM LEADERS
Each SRT team will be supervised by a team leader who has been appointed by the SRT commander.

The following represent supervisor responsibilities for the Special Response Team:

(a) The SRT team leader'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 SRT commander.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiator 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 Crisis Negotiator.

404.6.1 SELECTION OF PERSONNEL
Interested certified personnel, who are off probation, shall submit a request to their appropriate Division Lieutenant. A copy will be forwarded to the SRT commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SRT commander, the SRT team leaders and a third person to be selected by the two. 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.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

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(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 Division Lieutenant for final selection.

404.6.2 TRAINING OF NEGOTIATORS

Those deputies selected as Crisis Negotiators should attend a 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.

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 the positive operation of 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 selected as a Crisis Negotiator who performs or functions at a level less than satisfactory shall be subject to dismissal.

404.7 SRT TEAM ADMINISTRATIVE PROCEDURES

The SRT 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 SRT team.

404.7.1 SELECTION OF PERSONNEL

Interested certified personnel who are off probation shall submit a request to their appropriate Division Lieutenant, a copy of which will be forwarded to the SRT commander. 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 SRT commander. The testing process will consist of an oral board, physical agility test, and an SRT basic handgun and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SRT 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 an SRT 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.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as he/she relates to performance of SRT-related duties.

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The test and scoring procedure will be established by the SRT commander in collaboration with the Human Resources Department. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SRT basic handgun: Candidates will be invited to shoot the SRT basic drill for the handgun. A minimum 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 staff by the SRT commander for final selection.

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 SRT commander. The performance and efficiency level, as established by the team leaders, will be met and maintained by all SRT team members. Any member of the SRT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SRT team.

404.8 OPERATIONAL GUIDELINES FOR SPECIAL RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Special Response 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 SRT commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Special Response Team should respond. Upon final determination by the Patrol Lieutenant in consultation with the Undersheriff and Sheriff, the SRT commander will be notified.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF A SPECIAL RESPONSE TEAM

The following are examples of incidents that may result in the activation of the Special Response 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 SRT or Crisis Negotiator 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 agency crisis units must be approved by the Sheriff. Deployment of the Montezuma County Sheriff's Office Special Response Team in response to requests by other agencies must be authorized by the Sheriff.

404.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SRT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SRT operations will regularly be conducted, SRT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Montezuma County Sheriff's Office SRT team shall operate under the policies, procedures, and command of the Montezuma County Sheriff's Office when working in a multi-agency situation.

404.8.5 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Response Team, field personnel should, if safe, practicable, and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency arrest/response team prior to SRT 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 SRT has arrived, all negotiations should generally be halted to allow the negotiators and SRT team time to set up.

(f) Be prepared to brief the SRT commander on the situation.

(g) Plan for and stage anticipated resources.

404.8.6 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Response Team, the Incident Commander shall brief the SRT commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SRT commander, whether to deploy the Special Response Team. Once the Incident Commander authorizes deployment, the SRT 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 Special Response Team. The Incident Commander and the SRT commander or the authorized designee shall maintain communications at all times.

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404.8.7 COMMUNICATION WITH SPECIAL RESPONSE TEAM PERSONNEL

All persons who are non-Special Response Team personnel should refrain from any non-emergency contact or from 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 SRT personnel directly. All non-emergency communications shall be channeled through the SRT commander or the authorized designee.

404.8.8 COMMUNICATION WITHIN THE SPECIAL RESPONSE TEAM

The SRT commander or the authorized designee shall be responsible for establishing and maintaining dedicated lines of communication between SRT members and Crisis Negotiators during operations.

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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 Montezuma County Sheriff's Office. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

405.1.1 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Sheriff, Undersheriff or Patrol Division Supervisor.

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 Montezuma 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 the Dispatch Center.

405.3 ELIGIBILITY

A ride-along is available to Montezuma residents and business owners, students currently attending class in Montezuma, and those employed within the County of Montezuma. 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 15 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, from 10 a.m. to 11 p.m. Exceptions to this schedule may be made as approved by the Sheriff or Patrol Division Supervisor.

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

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- Volunteers
- Chaplains
- Reserves
- Auxiliaries
- Montezuma County Sheriff's Office applicants
- Any others with approval of the Patrol Division Supervisor
- 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 Patrol Division Supervisor.

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 Patrol Division Supervisor. The Patrol Division Supervisor 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 Patrol Division Supervisor. The applicant will complete and sign a ride-along or job observation waiver

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form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver's license number, birth date, address, and telephone number.

The Patrol Division Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate Division as soon as possible for scheduling considerations.

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 Patrol Division Supervisor. The

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member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Patrol Division Supervisor.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to members and others as a result of their exposure. To comply with applicable law, the following represents the policy of this office.

406.1.1 DEFINITIONS

Definitions related to this policy include:

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

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members 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 that 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.
3. Information obtained from any involved person with knowledge regarding the hazardous material.

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(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) Notify the Colorado State Patrol Dispatch Center to request assistance from the Colorado State Patrol Hazardous Materials Unit.

(l) Request the Dispatch Center to activate reverse 9-1-1 calling to the affected area and Nixel 360.

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 by the member in an Office memorandum, which shall be forwarded via chain of command to the Division Lieutenant as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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 a member 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.

To ensure the safety of members, 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

It is the policy of the Montezuma County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders, and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions, and obtain the suspect’s surrender.

When available, office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands, and the available resources.

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).

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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

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved, and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

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.

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(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.

(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.

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(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.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command, and assume the role of Incident Commander until properly relieved. This includes requesting a SRT response if appropriate and apprising the SRT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources, or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).

(h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct nonessential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.

(i) Identify a media staging area outside the outer perimeter and have the office Public Information Officer or a designated temporary media representative provide media access in accordance with the News Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Sheriff's decision, with input from the SRT Commander, whether to deploy the SRT during a hostage or barricade situation. Once the Sheriff authorizes deployment, the SRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer

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perimeter security and evacuation, media access, and support for the SRT. The Sheriff and the SRT Commander or the authorized designee shall maintain communications at all times.

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

The purpose of this policy is to provide guidelines to assist members of the Montezuma County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents, or threats of such 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 should always be the primary consideration.

408.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device.
If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established office evidence procedures.

The member receiving the bomb threat should ensure that the Patrol Lieutenant is immediately advised and informed of the details. This will enable the Patrol Lieutenant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

The Sheriff shall be notified as set forth in Policy 328 Major Incident Notification.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 MONTEZUMA COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Montezuma County Sheriff's Office facility, the Patrol Lieutenant will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Montezuma County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Patrol Lieutenant deems appropriate.

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408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this office receives notification of a bomb threat at a location in the County of Montezuma, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on scene.

(e) Whether the individual is requesting sheriff's assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Patrol Lieutenant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Patrol Lieutenant should be notified when sheriff's assistance is requested. The Patrol Lieutenant will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Patrol Lieutenant determine that the Office will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

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(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

(a) Two-way radios.

(b) Cell phones.

(c) Other personal communication devices.

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Patrol Lieutenant including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).

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4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department.
- Emergency medical services.
- Bomb squad.
- Additional office personnel, such as investigators and forensic services.
- Field supervisor.
- Patrol Lieutenant.
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) .
- Other government agencies, as appropriate.

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408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Patrol Lieutenant should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Civil Commitments

409.1 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).

409.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

409.3 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).

409.3.1 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).

409.3.2 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a voluntary application.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 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.

409.5 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.

409.6 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.

409.7 DOCUMENTATION

The deputy shall complete an application for emergency admission, provide it to the facility staff member assigned to that patient, and retain a copy of the application for inclusion in the case report (CRS § 27-65-106; CRS § 27-65-107; CRS § 27-81-111).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 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).

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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.

409.10 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.

409.11 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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Citation/Summons and Release Policy

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Montezuma 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.

410.2 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.

410.2.1 DISCRETION TO ARREST

While this office recognizes the statutory power of peace officers to make arrests throughout the state, deputies are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this office, except in cases of hot or fresh pursuit, while following up on crimes committed within the County, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty deputies who discover criminal activity outside the jurisdiction of the County should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty deputies observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity

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does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved deputy shall clearly identify him/herself as a sheriff's deputy.

Deputies are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

410.3 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.

410.3.1 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.

The arrest of persons for DUI, DUID of whom the deputy has verified the person's identification, is a local Montezuma County Resident, and has cooperated, should be released to a responsible adult (18 years of age or older) who has completed and acknowledged the Office authorized Intoxicated Subject Release form. See attachment: Intox Subject Release2.pdf

410.3.2 JAIL RELEASE

In certain cases, it may be impracticable to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after booking at the jail, with Patrol Lieutenant approval.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear after the booking procedure is completed, unless the person is disqualified for other reasons listed below.

410.3.3 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present:

(a) There is a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.

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(b) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated (CRS § 16-3-105(1)(b)).

(c) The person does not have adequate proof of identification to verify their identity to be issued a citation.

(d) The crime involves domestic violence (CRS § 16-3-105(1.5)).

(e) The crime involves violence or dangerous weapons/firearms.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release should be noted on the booking form and submitted to the Patrol Lieutenant for approval and inclusion with the case file in the Records Section.

410.4 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 (CRS § 16-3-105).

(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.

410.4.1 PENALTY ASSESSMENTS

A decision to use the penalty assessment procedure shall be based upon circumstances which reasonably persuade the deputy that the offender is likely or unlikely to comply with the terms of the penalty assessment notice (CRS § 16-2-201).

410.5 POLICY

The Montezuma 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.

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Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Montezuma County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Montezuma County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety, or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

(a) Diplomatic-level staff of missions to international organizations and recognized family members.

(b) Diplomatic agents and recognized family members.

(c) Members of administrative and technical staff of a diplomatic mission and recognized family members.

(d) Career consular officers, unless the person is the subject of a felony warrant.

(e) The following persons may generally be detained and arrested:

(a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.

(b) Support staff of missions to international organizations.

(c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.

(d) Honorary consular officers.

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note a)	Yes	Yes	Yes	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note a)	Yes (note d)	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note a)	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note a)	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note a)	No immunity or inviolability (note a)
Int'l Org Staff (note b)	Yes (note c)	Yes (note c)	Yes	Yes (note c)	No for official acts Yes otherwise (note c)	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note b)	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

412.1 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.

412.2 POLICY

The Montezuma 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 Montezuma County Sheriff's Office in protecting themselves or others from death or serious injury.

412.3 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.

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(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.

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).

412.4 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.

412.5 PLANNING

The Patrol Division Lieutenant 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) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

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(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.

(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).

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Reporting Law Enforcement Activity Outside of the Jurisdiction

413.1 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 Montezuma County Sheriff's Office.

413.1.1 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, the Patrol Lieutenant, or Division Supervisor 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 the Dispatch Center before responding and thereafter notify a supervisor as soon as practicable.

413.1.2 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 Montezuma County Sheriff's Office that are not part of a mutual aid request shall notify his/her supervisor or the Patrol Lieutenant at the earliest possible opportunity. Any off-duty deputy who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Patrol Lieutenant or a Division Supervisor as soon as reasonably practicable.

A case report or other documentation of the deputy's activity is required. The report or other documentation shall be forwarded to the deputy's Division Lieutenant.

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Montezuma County Sheriff's Office relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Montezuma 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.

414.3 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 without regard to race, ethnicity, or national origin in any way that would violate the United States or Colorado Constitution.

414.4 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)).

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.

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414.4.1 CIVIL VS. CRIMINAL FEDERAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, a foreign national or non-United States citizen who initially made a legal entry into the United States but has remained beyond what is a legal period of time has committed a federal civil offense. Deputies do not have the legal authority to enforce federal immigration laws.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin, or any other generalization that would cast suspicion on or stigmatize any person, except to the extent permitted by the United States or Colorado Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered, or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Other factors based upon training and experience.

414.4.2 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely investigate suspected undocumented foreign nationals who are booked into the county jail on criminal charges. Notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

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414.7 INFORMATION SHARING

No member of this office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in office records

(c) Exchanging such information with any other federal, state, or local government entity

414.7.1 IMMIGRATION DETAINERS

No individual shall be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime and the detainer is accompanied by a warrant issued by a judge directing that the individual be arrested (CRS § 24-76.6-102). Notification to the federal authority issuing the detainer should be made prior to the release.

414.7.2 STATE RESTRICTIONS

Deputies shall not, except as required by state or federal law:

(a) Provide personal identifying information that is not publicly available to federal immigration officials for the purposes of federal civil immigration enforcement (CRS § 24-74-103).

(b) Inquire into or request information or documents to determine a person's immigration status (CRS § 24-74-104).

(c) Collect information about a person's place of birth, immigration or citizenship status, or information from passports, permanent resident cards, alien registration cards, or employment authorization documents (CRS § 24-74-104).

414.8 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 Detective Division supervisor assigned to oversee the handling of any related case (CRS § 24-4.1-405). The Detective Division supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted (CRS § 24-4.1-403).

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(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner in accordance with CRS § 24-4.1-402.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.8.1 TIME FRAME FOR COMPLETION

The Detective Division supervisor should ensure that the certification for the U visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings or a family member would become ineligible for U nonimmigrant status within 60 days, in which case the certification shall be executed within 30 days of receipt of the request (CRS § 24-4.1-402).

414.8.2 APPROVAL OR DENIAL OF CERTIFICATION

If certification is approved, the Detective Division supervisor, at no charge, shall return the signed certification form with reports relevant to the approval to the requestor (CRS § 24-4.1-403).

If certification is denied, the Detective Division supervisor shall inform the requestor in writing regarding the reason for the denial as provided in CRS § 24-4.1-403.

414.8.3 RELEASE OF INFORMATION

Personal identifying information or information regarding the citizenship or immigration status of any victim of criminal activity or trafficking who is requesting a certification shall not be disclosed except when allowed by law (CRS § 24-4.1-404) (see also the Records Maintenance and Release Policy for additional guidance).

414.9 TRAINING

The Training Manager should ensure that deputies receive training.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

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Aircraft Accidents

415.1 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.

415.1.1 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.

415.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 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).

415.4 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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415.5 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).

(d) Sheriff and Undersheriff.

415.6 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.

415.7 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.

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(c) Fluids, batteries, flares, and igniters.

(d) Evacuation chutes, ballistic parachute systems, and composite materials.

415.8 DOCUMENTATION

All aircraft accidents occurring within the County of Montezuma 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 MCSO 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.

415.8.1 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.

415.8.2 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.

415.9 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

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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

416.1 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 Montezuma 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.

416.2 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.

416.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of three years of patrol experience, two of which shall be with this office.

(c) Above standard performance evaluations.

(d) Demonstrated ability as a positive role model

(e) Participate and pass an internal oral interview selection process

(f) Displays working knowledge of all Office policies and procedures

(g) Possess a Colorado Peace Officer Standards and Training (POST) Basic Certificate

416.2.2 TRAINING

A deputy selected as an FTO shall successfully complete an FTO course approved by the Office prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by the Office every three years while assigned to the position of FTO.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor will be selected from the rank of sergeant or above by the Patrol Division 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) Develop ongoing training for FTOs.

416.4 DEFINITIONS

Definitions related to this policy include:

Trainee - Any entry level or lateral sheriff's deputy newly appointed to the Montezuma 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.

416.5 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 four weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

416.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued 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 Montezuma 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 Montezuma County Sheriff's Office.

416.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.

(b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day in a positve manner.

(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.

416.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

416.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator 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 for review and approval.

416.6.4 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.

416.7 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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Obtaining Air Support Assistance

417.1 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.

417.2 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. The Undersheriff and Sheriff shall be notified of the request.

417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Patrol Lieutenant or the authorized designee will call the closest agency having air support available. The Patrol Lieutenant will apprise that agency of the specific details of the incident prompting the request.

417.2.2 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 may 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) Vehicle pursuits when possible or immediately necessary for the preservation of life (ie: Car Jacking with victim occupancy, kidnapping, etc.).

(f) Pre-planned events or actions that require air support.

(g) When the Patrol Lieutenant 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 rarely replace the need for deputies on the ground.

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Contacts and Temporary Detentions

418.1 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.

418.1.1 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.

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.

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.

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.

418.2 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

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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 Montezuma County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

418.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the [officer_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.

418.3 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.

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418.4 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.

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.

418.5 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.

418.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

418.5.2 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.

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418.5.3 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.

418.5.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Patrol Lieutenant 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 Patrol Lieutenant 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 Patrol Lieutenant 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 Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

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.

418.6 POLICY

The Montezuma 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.

418.7 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.

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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.

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Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Montezuma County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges, or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY

The Montezuma 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 and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS

No office member may create, submit to, or obtain information from a criminal intelligence system unless the Sheriff has approved the system for office use.

Any criminal intelligence system approved for office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for office use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, FI, photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance with the

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established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

419.3.2 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

It is the designated supervisor'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.

419.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

419.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible office supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Dispatch Center records, or booking forms.

(c) Shall not include opinions. No person, organization, or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

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The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

419.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization, or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to office members and other law enforcement agencies on a need-to-know basis and consistent with 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 temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Detective DivisionSupervisor should ensure that there are an appropriate number of office members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above-average familiarity with identification of criminal street gangs, criminal street gang members, and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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419.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. The Colorado Attorney General Office is a resource for this training. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Mobile Audio Video

420.1 PURPOSE AND SCOPE

The Montezuma County Sheriff's Office may equip patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system, to include Body Worn Camera, that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor.

MAV technician - Personnel, certified or non-sworn, trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who possess a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

420.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to use mobile audio and video technology, when installed, to more effectively fulfill the Office’s mission and to ensure these systems are used securely and efficiently.

420.3 DEPUTY RESPONSIBILITIES

to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment.

In the event a deputy works at a remote location and reports in only periodically, multiple recording media may be issued. Only Montezuma County Sheriff's Office identified and labeled media with tracking numbers is to be used.

At the start of each shift, deputies should test the MAV system’s operation in accordance with manufacturer specifications and office operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge, or PIN number and the current date and time at the start and again at the end of each shift.

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If the system is malfunctioning, the deputy shall take the MAV out of service unless a supervisor requests the MAV remain in service.

420.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

420.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops).
    2. Priority responses.
    3. Vehicle pursuits.
    4. Suspicious vehicles.
    5. Arrests.
    6. Vehicle searches.
    7. Physical or verbal confrontations or use of force.
    8. Pedestrian checks.
    9. DUI/DUID investigations including field sobriety tests.
    10. Consensual encounters.
    11. Crimes in progress.
    12. Responding to an in-progress call.

(b) All self-initiated activity in which a deputy would normally notify the Dispatch Center.

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
    1. Domestic violence calls.

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2. Disturbance of peace calls.
3. Offenses involving violence or weapons.

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

(e) Any other circumstance where the deputy believes that a recording of an incident would be appropriate.

420.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive or in other similar situations.

420.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this office may surreptitiously record a conversation of any other member of this office except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

420.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Dispatch Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new members is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, office-involved collisions), a supervisor shall respond to

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the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of surveillance regarding the conversations or actions of a deputy.

420.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images, and audio recordings are the property of the Office. Dissemination outside of the Office is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Office, MAV technician, or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) By deputies for use when preparing reports or statements

(b) By a supervisor investigating a specific act of deputy conduct

(c) By a supervisor to conduct documented reviews of their subordinate's MAV media at least annually to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review MAV media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

(d) To assess proper functioning of MAV systems

(e) By office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation

(f) By office personnel who request to review recordings

(g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to their employment.

(h) By court personnel through proper process or with the permission of the Sheriff or the authorized designee

(i) By the media through proper process

(j) To assess possible training value

(k) For training purposes. If an involved deputy objects to showing a recording, their objection will be submitted to the command staff to determine if the training value outweighs the deputy's objection.

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(l) As may be directed by the Sheriff or the authorized designee

Members desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Patrol Lieutenant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any member.

420.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the deputy's report. If a citation is issued, the deputy shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

420.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 90 days and disposed of in compliance with the established records retention schedule.

420.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

420.7.2 MAV RECORDINGS AS EVIDENCE

Deputies who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy, or against the Montezuma County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

420.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy’s transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

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(e) Deputies using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside a MAV-equipped law enforcement vehicle in order to intentionally interfere with the capability of the MAV system to record audio data.

(g) Deputies shall not erase, alter, reuse, modify, or tamper with MAV recordings. Only a supervisor, MAV technician, or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

420.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing, and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

420.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

420.11 ANNUAL PROGRAM REVIEW

The MAV technician should complete an annual administrative review of the MAV program and provide it to the Sheriff for review.

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Mobile Data Computer Use

421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Computer (MDC) 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 the Dispatch Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

421.2 POLICY

Montezuma County Sheriff's Office members using the MDC shall comply with all appropriate federal, state, and county rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

421.3 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).

421.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Patrol Lieutenants.

Use of the MDC 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 MDC 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 MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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421.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical, or safety needs should be transmitted over the radio (CRS § 42-4-201).

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.

421.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Patrol Lieutenant 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 MDC unless security or confidentiality prevents such broadcasting.

MDC 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 MDC or patrol daily activity log.

421.5.1 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 MDC 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 MDC when the vehicle is not in motion.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDC

Whenever possible, members should not use malfunctioning MDCs. A Help Desk ticket should be transmitted for repair of the MDC.

421.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Public Recording of Law Enforcement Activity

423.1 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.

423.2 POLICY

The Montezuma 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.

423.3 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.

423.4 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.

423.5 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.

423.6 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.

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(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 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.

423.6.1 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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Medical Marijuana

424.1 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.

424.1.1 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

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of 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.

424.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

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 or disabling 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. The Montezuma County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Colorado law and the resources of the Office.

424.3 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) (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 an RIC.

(c) Investigations when a medical use claim is made by an adult who has been issued an RIC.

(d) Investigations when a medical use claim is made by a juvenile.

(e) During the investigation of any unlawful cultivation or possession of marijuana, either medical or recreational, shall live marijuana plants be seized as evidence. Members shall document any live plants in scaled photographs and/or video and secure a leaf clipping for proper forensic examination and evidentiary purposes.

424.3.1 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.

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424.3.2 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS NOT BEEN ISSUED AN 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:

(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 an RIC until such time as the patient receives notice that the application has been denied (Colo. Const. art. XVIII, § 14(3)(d)).

424.3.3 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS BEEN ISSUED AN 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 an 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 an 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).

424.3.4 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 an RIC.

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(b) The juvenile and parental primary caregiver collectively possess no more than an allowed amount of marijuana.

(c) The parental primary caregiver controls the acquisition, dosage, and frequency of use of the marijuana.

424.3.5 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Deputies shall immediately notify the Colorado Department of Public Health and Environment when any person in possession of an RIC has been determined by a court of law to have willfully violated the provisions of medical marijuana laws or has pleaded guilty to such an offense (Colo. Const. art. XVIII, § 14(3); CRS § 25-1.5-106).

(b) Because enforcement of medical marijuana laws can be complex, time-consuming, and call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors exist, such as limited available office resources and time constraints.

(c) Whenever the initial investigation reveals an amount of marijuana greater than that specified by law, deputies should consider:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Other factors such as the climate and whether the marijuana is being cultivated indoors or outdoors.

(d) Before proceeding with enforcement related to a locally approved business that cultivates, manufactures, or sells medical marijuana or medical marijuana-infused products, deputies should consider conferring with appropriate legal counsel.

(e) Primary caregivers must be registered to cultivate or transport marijuana and have supporting receipts when transporting the marijuana. Deputies may report a primary caregiver to the state licensing authority if the primary caregiver fails to provide proper documentation showing that he/she has registered (CRS § 25-1.5-106).

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1. Primary caregivers have additional registration requirements if they grow 37 or more plants. Additionally, primary caregivers may not grow 100 or more plants (CRS § 25-1.5-106).

424.3.6 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) Unlawfully 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.

424.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

424.5 EVIDENCE

424.5.1 MEMBER RESPONSIBILITIES

The investigating member should advise the receiving Property and Evidence Section member when marijuana may be the subject of a medical claim.

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424.5.2 EVIDENCE TECHNICIAN RESPONSIBILITIES

The Evidence Technician 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 Evidence Technician should follow the Property and Evidence Policy and related procedures.

The Evidence Technician may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Division Supervisor.

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Mounted Patrol Unit

425.1 PURPOSE AND SCOPE

The Montezuma County Sheriff's Office has established the Mounted Patrol Unit for the purpose of enhancing patrol efforts in the community. Horse patrol has been shown to be an effective way to increase deputy visibility in congested areas. A horse's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the mounted patrol deputy.

425.2 POLICY

The Mounted Patrol may be used for regular patrol duty, traffic enforcement, search and rescue calls for service, criminal apprehension, community policing efforts, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Mounted Patrol may be deployed to any area at all hours of the day or night, according to Office needs and as staffing levels allow.

Requests for specific deployment of the Mounted Patrol deputies shall be coordinated through the Patrol Lieutenant.

425.3 SELECTION OF PERSONNEL

Interested certified personnel, who are off probation, shall submit an assignment request to their appropriate Division Lieutenant. A copy will be forwarded through the chain of command to the Sheriff. Qualified applicants will then be invited to an oral interview. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as they pertain to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the horse as a mode of transportation.

(e) Willingness to complete the required 80 hour POST Certified Mounted Patrol training program, with recommendation by the instructor.

(f) Dedication required to perform daily care and handling of all the agency horses,

425.3.1 MOUNTED PATROL UNIT SUPERVISOR

The Mounted Patrol Unit supervisor will be the Patrol Division Lieutenant or the authorized designee.

The Mounted Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing mounted patrol training.

(b) Inspecting and maintaining inventory of patrol and program equipment.

(c) Scheduling maintenance and repairs of stables and equipment.

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(d) Proper and required examinations by the approved veterinarian.

(e) Acquisition and storage of required feed.

(f) Evaluating the performance of mounted patroldeputies.

(g) Coordinating activities with the Patrol Division Lieutenant.

(h) Inspecting and documenting, no less than every three months, that the horses are kept ready for active service in a healthy and in a properly trained condition.

(i) Other activities as required to maintain the efficient operation of the unit.

425.4 TRAINING

Participants in the program must successfully complete an initial 80 hour, Colorado POST-approved mounted patrol training course after acceptance into the program. Thereafter, mounted patrol deputies should receive yearly in-service training to improve skills and refresh safety, health, and operational procedures. The initial training shall minimally include the following:

- Equine anatomy.
- Equine care, health, and feeding requirements.
- Equine/Officer safety and accident prevention.
- Operational tactics using horses.

Mounted patrol deputies will be required to qualify with their duty firearm while wearing all safety equipment, including the helmet and riding gloves.

425.5 UNIFORMS AND EQUIPMENT

Deputies shall wear the office-approved uniform and safety equipment while riding the office horses. Safety equipment includes office-approved helmet, riding gloves, body armor, foul weather gear, and approved footwear.

The mounted patrol unit uniform consists of the standard uniform shirt with office badge and patches, and office-approved mounted patrol breeches, riding boots, and helmet.

Optional equipment includes a jacket in colder weather. Insulated clothing is permitted when worn under the uniform shirt, and a radio head set and microphone.

Mounted patrol deputies shall carry the same equipment on the patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books, and other office equipment needed while on mounted patrol assignments.

425.6 CARE AND USE OF MOUNTED PATROL HORSES

,Deputies will be assigned a horse, but must be able to utilize any horse in the unit, saddle, blanket, bridle, and essential riding gear along with grooming and care equipment.

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Mounted Patrol Deputies must be able to load, transport, and unload the horse safely in an approved trailer.

Mounted Patrol deputies shall conduct an inspection of the horse and equipment prior to use to ensure proper condition of the horse and working order of the equipment. Deputies are responsible for the routine care and maintenance of horses and equipment (e.g., feeding, watering, cleaning and grooming, daily mucking of the stalls).

If a needed repair of equipment is beyond the ability of the mounted patrol deputy, a repair work order will be completed and forwarded to the program supervisor for repair.

Each horse will have scheduled health maintenance twice yearly, to be performed by a licensed veterinarian that is approved by the Office.

Each horse will be examined routinely by an approved and authorized farrier for proper hoof care.

At the end of a mounted patrol assignment, the horse shall be returned cleaned, fed, watered, and ready for the next tour of duty.

Horses shall be properly secured in a safe location when not in the deputy's immediate presence.

During special events where large crowds of people are gathered in public parks, Mounted Patrol Deputies will patrol the outskirts of the event and only enter into the public parks or areas where large crowds of people are gathered when needed to quell a disturbance or acts of violence.

Mounted Patrol Deputies while patrolling with two or more horses and anticipating a stationary position, will position the horses side by side facing in opposite directions so that the deputies can have a 360 degree visual around the horses and mounted deputies.

When person(s) approach the horse the Mounted Patrol Deputy should instruct the person(s) to approach to the front or side of the horse whenever possible.

425.7 DEPUTY RESPONSIBILITIES

Deputies should ride and perform mounted patrol assignments in compliance with Montezuma County Sheriff's Office Mounted Patrol policies and procedures, with the safety of the deputy, the horse, and the public being paramount. Deputies may only ride the horse without reflective lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when riding the horse without lighting equipment near or upon any roadway.

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Foot Pursuits

426.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

426.2 POLICY

It is the policy of this office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to office members, the public, or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

426.3 DECISION TO PURSUE

The safety of office members 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 members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

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 may place office members and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances 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 a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support if immediately available.

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(f) 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 foot pursuit.

426.4 GENERAL GUIDELINES

When reasonably practicable, deputies should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The deputy is acting alone.

(c) 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) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.

(f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.

(g) The deputy loses radio contact with the dispatcher or with assisting or backup deputies.

(h) The suspect enters a building, structure, confined space, isolated area, or dense or difficult terrain, and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(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 foot pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer 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 immediate threat to office members or the public if the suspect is not immediately apprehended.

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(o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness, or other environmental conditions.

426.5 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and deputies.

(f) 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.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating deputy need not complete a formal report.

426.6 RESPONSIBILITIES IN FOOT PURSUITS

426.6.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit and containment. 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, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel.

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(b) Call sign identifier.

(c) Reason for the foot pursuit, such as the crime classification.

(d) Number of suspects and description, to include name if known.

(e) Whether the suspect is known or believed to be armed with a dangerous weapon.

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 foot 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 foot pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for deputies, suspects, or members of the public.

426.6.2 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.

426.6.3 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 possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established office guidelines.

The supervisor shall 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 shall promptly proceed to the termination point to direct the post-foot pursuit activity.

426.6.4 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved deputies.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

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(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Patrol Lieutenant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

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Automated License Plate Readers (ALPR)

427.1 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 Montezuma 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, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

427.2 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Office 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 office 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 member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.

(e) If practicable, 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.

(f) No ALPR operator may access the Colorado Bureau of Investigation data unless authorized to do so.

427.3 ALPR DATA COLLECTION AND RETENTION

When the ALPR is owned by the Montezuma County Sheriff's Office, all data and images gathered by the ALPR are for the official use of the Montezuma 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 office may be used and shared with prosecutors or others only as permitted by law.

The Administrative Services Division Lieutenant is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in office vehicles to the office server on a regular basis, not to exceed 30 days between transfers.

Whe the ALPR is owned by the Montezuma County Sheriff's Office, all ALPR data downloaded to the server should be stored for the minimum period established by office records retention

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guidelines 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.

ALPR use by members as part of the Colorado State Patrol BATTLE Auto Theft Team, all data collected will be stored in accordance with operational procedures as set forth by Colorado State Patrol policies, and can be obtained for official law enforcement use by this Office.

427.4 ACCOUNTABILITY AND SAFEGUARDS

When the ALPR is owned by the Montezuma County Sheriff's Office, all saved data will be closely safeguarded and protected by both procedural and technological means. The Montezuma 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 Manager 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 office-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Homeless Persons

428.1 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 Montezuma County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Montezuma 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.

428.1.1 POLICY

It is the policy of the Montezuma 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.

428.2 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.

428.2.1 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.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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(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.

428.3 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.

428.4 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.

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.

428.5 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 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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Livestock Inspection

429.1 PURPOSE AND SCOPE

The purpose of this policy is intended to ensure the protection of livestock owners and the livestock industry within Montezuma County through the enforcement of Colorado Livestock Laws.

429.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to prevent livestock theft through general patrol activities, inspection of animals being transported on a public road, and ensure proper investigation of lost, missing, or stolen livestock. Members are encouraged to become familiar with local livestock owners as well as owners of livestock who utilize public land grazing allotments within Montezuma County, and provide assistance whenever possible in the education and enforcement of County Ordinances and Colorado Livestock Laws.

429.3 LIVESTOCK TRANSPORTATION REPORT

Anytime livestock is being transported on a public road, proof of ownership of the livestock being transported must be available for inspection by any deputy sheriff or authorized peace officer (CRS 35-53-117).

Contact with any vehicle transporting or containing livestock, members should complete a Uniform Report of Livestock Transportation to properly document the date, time, location, vehicle information, number of livestock, type of livestock, description of livestock, brands and location on the animal, point or origin, point of destination, and positive identification of the person(s) in possession of the livestock.

Proof of lawful ownership or possession include:

(a) Registered Colorado Brand.

(b) Bill of Sale.

(c) Brand Inspection.

(d) Written permission to possess or transport by the livestock owner (CRS 35-53-121 and 35-53-122).

(e) Breed registration papers are not proof of ownership.

Completed Uniform Report of Livestock Transportation forms should be distributed as follows:

(a) Original to Records Section

(b) Yellow to Vehicle Operator

(c) Pink to the Brand Inspector

See attachment: Livestock Inspection Report.pdf

See attachment: Memo_Livestock Inspection Procedures.pdf

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429.4 TRAINING

All certified members will receive training annually on Colorado Livestock Laws, brand and livestock identification, and theft investigation.

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Suspicious Activity Reporting

430.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

430.1.1 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.

430.2 POLICY

The Montezuma 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.

430.3 RESPONSIBILITIES

The Detective Division Division Lieutenant 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 Organizations Policy.

The responsibilities of the Detective Division Division Lieutenant 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).

430.4 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 non-sworn 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 an 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 an 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. An SAR should be processed as any other incident report.

430.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Detective Division supervisor
- Crime Analysis Unit
- Other authorized designees

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Civil Disputes

431.1 PURPOSE AND SCOPE

This policy provides members of the Montezuma 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.

431.2 POLICY

The Montezuma 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.

431.3 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.

431.4 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.

431.4.1 STANDBY REQUESTS

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. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove 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 should not order the other party to allow entry or the removal of any items. 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.

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 without a court order.

431.5 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, certificates of title, Colorado title histories), 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.

431.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should be handled through a person seeking a court order.

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Medical Aid and Response

432.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

432.2 POLICY

It is the policy of the Montezuma County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members 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 member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center 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:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. 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.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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432.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

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 supervisor.

Members are not to provide emergency escort for medical transport or civilian vehicles.

432.5 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 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 mental illness may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation in accordance with the Civil Commitments Policy.See attachment: Emergency Mental Illness Report.pdf

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she 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 still refuses, the deputy will require the person to be transported to the nearest medical facility for an evaluation and hospital clearance required before booking into the Detention Center. 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.

432.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

432.6 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.

432.7 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.

The Patrol Division Lieutenant should develop guidelines local fire departments and EMS for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Office should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas, or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members 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.

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- Ensure that no one smokes near the aircraft.

432.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member has received the required training (CRS § 13-21-108.1).

432.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in office vehicles 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 will be taken out of service and given to the Patrol Lieutenant 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 the Dispatch Center as soon as possible and request response by EMS (CRS § 13-21-108.1).

432.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

432.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training that includes training in CPR and AED use is provided to members authorized to use an AED (CRS § 13-21-108.1).

The Training Manager 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).

432.9 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).

432.9.1 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 Manager.

Any member who administers an opioid antagonist should contact the Dispatch Center as soon as possible and request response by EMS.

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432.9.2 OPIOID ANTAGONIST REPORTING

Any member administering an opioid antagonist should detail its use in an appropriate report.

The Training Manager will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

432.9.3 OPIOID ANTAGONIST TRAINING

The Training Manager should ensure training is provided to members authorized to administer an opioid antagonist.

432.10 ADMINISTRATION OF EPINEPHRINE

Members may administer epinephrine in accordance with protocol specified by the physician who prescribed the medication for use by the member.

432.11 FIRST-AID TRAINING

The Training Manager should ensure deputies receive periodic first-aid training appropriate for their position.

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Body-Worn Cameras

433.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this office and for the access, use, and retention of office BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

433.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by office BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Office to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

433.2 POLICY

It is the policy of the Office to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and office accountability and transparency while also protecting the privacy of members of the public.

433.3 RESPONSIBILITIES

433.3.1 BWC COORDINATOR RESPONSIBILITIES

The Sheriff or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include:

(a) Serving as a liaison between the Office and the BWC manufacturer/distributor and any third-party media storage vendor.

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(b) Acquiring sufficient BWCs to equip all members required to wear BWCs on-duty (CRS § 24-31-902).

(c) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Office and recording the date each BWC is placed into or taken out of service.

(d) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.

1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.

(e) Managing BWC media systems so that:

1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned office duties.

2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.

(f) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.

(g) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and office policy.

(h) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.

(i) Coordinating with the community relations coordinator to (see the Community Relations Policy):

1. Provide the public with notice of the office's use of BWCs (e.g., posting on the office website or social media pages).

2. Gain insight into community expectations regarding BWC use.

(j) Coordinating with the Records Manager to (see the Records Section and Records Maintenance and Release policies):

1. Determine and apply proper retention periods to BWC media.

2. Develop procedures for the appropriate release of BWC media.

(k) Coordinating with the Property and Evidence Section to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).

(l) Completing an annual administrative review of the BWC program and providing it to the Sheriff for review.

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433.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

433.4 BWC USE

The following guidelines apply to the use of BWCs:

(a) Only office-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Sheriff or the authorized designee.

(b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.

(c) The use of office-issued BWCs shall be strictly limited to office-related activities.

(d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.

(e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Sheriff.

433.4.1 PROHIBITIONS

BWCs should not be used to record:

(a) Routine administrative activities of the Office that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Office has a duty to keep secure (i.e., criminal justice information).

(b) Areas within the office facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.

(c) Conversations of other members without their knowledge.

(d) When a member is taking an authorized break or otherwise engaged in personal activities.

(e) In a courtroom unless responding to a call for service or emergency situation.

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(f) Interactions with undercover deputies or confidential informants.

(g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

433.5 ACTIVATION OF BWC

Members shall activate their BWC during all calls for service in performing law enforcement-related functions (CRS § 24-31-902). Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations.

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

433.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

433.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate office interest in recording the event. Members may also mute or deactivate their BWC (CRS § 24-31-902):

(a) To avoid recording personal information that is not related to the case.

(b) When there is a long break in the incident.

(c) In administrative, tactical, and management discussions when civilians are not present.

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Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the office's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

433.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and [dispatcher]s approved by the Sheriff or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

(a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.

(b) To assist with situational awareness or tactical decisions during a significant incident.

(c) When requested by the member.

433.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

(a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.

(b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.

(c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.

(d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

(e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

433.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile

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event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Office.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

433.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

(a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.

(b) When a member has sustained a serious injury or a line-of-duty death has occurred.

(c) When a firearm discharge or use of force incident has occurred.

(d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

433.7 BWC MEDIA

All BWC media is the sole property of the Office. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Office and shall not be used by the vendor for any purpose without explicit approval of the Sheriff or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Sheriff or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Sheriff or the authorized designee.

433.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

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BWC media shall only be accessed and viewed for legitimate office-related purposes in accordance with the following guidelines:

(a) BWC media tagged as restricted should only be accessible by those designated by the Sheriff or the authorized designee.

(b) Members may review their own BWC media for office-related purposes. Members should document in their report if they reviewed BWC media before completing the report.

(c) Investigators may review BWC media pertaining to their assigned cases.

(d) A member testifying regarding a office-related event may review the pertinent BWC media before testifying.

(e) Supervisors are permitted to access and view BWC media of their subordinates.

1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.

2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with office procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.

3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.

(f) The Training Manager is permitted to access and view BWC media for training purposes.

1. The Training Manager should conduct a quarterly review of a random sampling of BWC media to evaluate office performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.

2. The Training Manager may use BWC media for training purposes with the approval of the Sheriff or the authorized designee. The Training Manager should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

(g) The Records Manager may access BWC media when necessary to conduct office-related duties.

(h) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

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433.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

(a) A private residence.

(b) A facility that offers health care, mental health or substance abuse treatment, or social services.

(c) A school building.

(d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy and the Enhance Law Enforcement Integrity Act (CRS § 24-31-902). The Records Manager should review BWC media before public release.

433.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Sheriff or the authorized designee.

433.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established office procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Policy).

433.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

(a) Proper use of the BWC device and accessories.

(b) When BWC activation is required, permitted, and prohibited.

(c) How to respond to an individual's request to stop recording.

(d) Proper use of the BWC media systems, including uploading and tagging procedures.

(e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

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School Resource Officers

434.1 PURPOSE AND SCOPE

This policy provides guidelines for the Montezuma County Sheriff's Office School Resource Officer (SRO) program and outlines the roles of SROs in schools. This policy is not intended to affect the rights or benefits of employees under federal or state law, [city/county] rules, or current memorandums of understanding (MOUs)/collective bargaining agreements.

434.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to promote a safe and secure environment for students and faculty in schools within the office's jurisdiction through the use of school resource officers (SROs).

434.3 SRO PROGRAM

The Sheriff should appoint SROs to serve in schools, upon request and subject to availability, following the adoption of a memorandum of understanding (MOU) with the appropriate school or school entity.

The goals and objectives of the SRO program include:

(a) Fostering positive, collaborative, trust-based relationships among law enforcement, students, faculty, and administrators.

(b) Protecting the schools against external and internal threats to the greatest possible degree.

(c) Providing rapid response to active shooter incidents or similar threats.

(d) Contributing to the safety of the students by preventing unauthorized access to school property.

(e) Increasing preparedness for natural disasters and violence through safety drills and emergency preparedness exercises.

(f) Creating respect for law and order in the schools and minimizing criminal activity.

(g) Identifying students at risk of becoming involved in the criminal justice system and providing guidance and mentorship, as appropriate.

(h) Reducing criminal activity on school property and making reasonable efforts to address criminal activity in areas near the school, as appropriate.

(i) Enhancing communication and understanding between students, their families, school staff, and the Office.

(j) Assisting with the coordination of security measures for school activities such as sports events, dances, and other large gatherings.

434.4 SRO COORDINATOR

The Sheriff or the authorized designee should appoint an SRO coordinator to oversee the SRO program. The duties of the SRO coordinator include:

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(a) Serving as the central point of contact between the Office and participating schools.

(b) Assisting school administrators and other appropriate stakeholders with the development of school safety plans (see the Rapid Response and Deployment Policy).

1. Auditing school security measures, at least annually, and making recommendations to enhance safety and reduce risk, if needed.

(c) Developing procedures to guide appropriate SRO interactions with students.

(d) Assisting the Sheriff or the authorized designee with selection of SROs.

(e) Coordinating with the Training Manager to establish an appropriate initial training and evaluation program for newly assigned SROs. The program should include feedback from school officials.

(f) Supervising SROs (e.g., scheduling, discipline, performance evaluations).

(g) Coordinating with other divisions or agencies as needed for drills, training, canine searches, or other activities.

(h) Coordinating with school officials and other appropriate agencies to provide SROs with information regarding community resources available to students with non-school-related issues (e.g., food, clothing, housing).

(i) Ensuring compliance with policy and SRO training.

(j) Maintaining familiarity with local rules (e.g., juvenile review board, courts) or state laws related to SROs and juveniles.

434.5 MEMORANDUM OF UNDERSTANDING

The Office should enter into an MOU with each school or school entity in the SRO program in order to define the rights and responsibilities of the Office and the school. The MOU should:

(a) Describe the specific duties provided by SROs.

(b) Define the chain of command for SROs and specify that the Office maintains supervisory authority over SROs.

(c) Establish procedures and identify any limitations on the scope of law enforcement involvement for the following:

1. Responding to critical incidents and emergencies
2. Conducting school searches, including limitations on assisting or participating in searches initiated by school officials
3. Using canines for searches or security
4. Conducting investigations, interviews, and interrogations
5. Using restraints
6. Conducting arrests on school property or at school-sponsored events, including whether the SRO will be responsible for arrests or if another deputy will be dispatched
7. Reporting incidents to school officials

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(d) Include a provision that SROs are not to be involved in routine school disciplinary matters that do not involve criminal conduct.

(e) Identify the entity responsible for funding salaries, uniforms, and equipment.

(f) Include guidelines regarding SRO access to and use of school equipment and facilities.

(g) Specify the records to be maintained regarding SRO activities.

(h) Define the terms of the MOU (e.g., duration, review, revision, termination, other legal contingencies).

434.6 SRO DUTIES

SRO duties and responsibilities should include:

(a) Rapid response to violence (see the Rapid Response and Deployment Policy).

(b) Assisting schools with the development and implementation of a school safety plan.

(c) Responding to calls and conducting preliminary investigations of criminal offenses and offenses committed by students that would not be an offense if committed by an adult.

(d) Conducting follow-up investigations, as appropriate.

(e) Providing gang task force intelligence, as appropriate.

(f) Participating in the development and implementation of programs designed to identify, assess, and provide assistance to students who are at high risk of experiencing a mental health crisis or becoming offenders.

(g) Participating as a member of the school's multi-disciplinary threat assessment team.

(h) Participating in student conferences, as requested and appropriate.

(i) Providing education for students, faculty, and administrators regarding law enforcement's role in society.

434.6.1 SCHOOL/STUDENT SEARCHES

Searches of students or student property should be conducted in accordance with the Search and Seizure Policy and any specific requirements in the Office Policy and MOU.

434.7 SRO SELECTION

SROs should be selected based on their suitability for the position. Candidates should volunteer rather than be assigned to the position. Criteria for selection should include:

(a) At least three years' sworn law enforcement experience.

(b) A willingness and ability to build positive relationships with children and adolescents.

(c) A willingness and ability to respond rapidly to school violence.

(d) Demonstrated good verbal and written communication skills.

(e) An ability to de-escalate conflict.

(f) A positive recommendation from the applicant's supervisor.

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Special consideration should be given to candidates with prior experience or positive involvement with youth activities (e.g., coaching, tutoring) and to those with experience with the cultural, ethnic, and religious communities that make up the population of the assigned school.

434.8 TRAINING

Prior to assignment as an SRO, a deputy should complete a basic SRO training course approved by POST within six months of assignment (CRS § 24-31-312).

SROs should also successfully complete specific training for rapid deployment and response to active assailants or threats in the school.

An advanced SRO training course should be completed after serving successfully in the role for at least one year.

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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 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 will be considered in the development of deployment schedules for office members. State and local data on traffic crashes 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 crashes, and also will consider the hours and locations where traffic crashes tend to occur. Members will take directed enforcement action when appropriate. Members shall maintain high visibility while working general enforcement, especially in areas where traffic crashes frequently occur.

500.3 ENFORCEMENT

Traffic enforcement will be consistent with applicable laws and take into account the degree and severity of the violation committed. This office does not establish ticket quotas. The number of arrests or citations issued by any member shall not be used as the sole criterion for evaluating member 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 crashes (CRS § 42-4-101 and CRS § 42-4-104).

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500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings are a non-punitive option that may be considered by the member when circumstances warrant, such as when a minor violation was inadvertent. Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law, as outlined in the Bias-Based Policing Policy.

500.3.2 CITATIONS

Citations should be issued when a member believes it is appropriate. When issuing a citation for a traffic violation, it is essential that the rights and requirements imposed on motorists be fully explained. At minimum, motorists should be provided with:

(a) An explanation of the violation or charge.

(b) The court appearance procedure, including the optional or mandatory appearance by the motorist.

(c) A notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

500.3.3 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 the Montezuma County Court, or the Dolores Municipal Court, in which the offense is alleged to have been committed. (CRS § 42-4-1707(5)).

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These 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.

500.4 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.

500.5 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of office members who may be exposed to hazards presented by passing traffic or by maneuvering or operating vehicles, machinery, or equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

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500.5.1 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each patrol and investigation unit, and in the saddlebag or gear bag of each mounted patrol member and 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 member 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 designated equipment officer should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

500.6 POLICY

It is the policy of the Montezuma 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 crashes, citizen complaints, traffic volume, traffic conditions, and other traffic-related needs. The ultimate goal of traffic law enforcement and education is to increase public safety.

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Traffic Crash 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 Montezuma 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 within the Town of Dolores limits. A traffic accident with injuries reported may include an emergency response if the deputy reasonably believes such a response is appropriate.

Deputies may assist the Colorado State Patrol with response to traffic crashes when requested, to render aid and traffic control when available. Supervisors should minimize the number of deputies responding to a scene as it is important for deputies to remain in their assigned sectors for crime prevention and calls for service.

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) Positive identification of the vehicle(s) involved.

(d) Determination if any crime has occurred and taking appropriate enforcement action.

(e) Identification and protection of items of apparent evidentiary value.

(f) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

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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 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 Patrol Division for approval and data entry into the records management system.

501.5.2 PATROL DIVISION SUPERVISOR RESPONSIBILITIES

The Patrol Lieutenant will be responsible for:

(a) Monthly and quarterly reports on traffic accident statistics, to be forwarded to the Records Section or other persons as required.

(b) Forwarding the traffic accident report to the Department of Revenue, Motor Vehicle Division within five days of receiving information regarding the accident or upon the completion of the investigation if the accident did not involve injury or death and the property damage is reasonably believed to be no more than $1,000 (CRS § 42-4-1606).

(c) Obtaining all updates in the Colorado Traffic Accident Reporting Manual, distribution of the manual and updates and ensuring conformity with this policy.

501.5.3 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 deputy who investigated the traffic crash and prepared the report. A written supplemental report will be required and submitted to the Department of Revenue, Motor Vehicle Division.

501.6 OFF-HIGHWAY VEHICLE ACCIDENTS

Deputies should respond without delay to reports of crashes involving off-highway vehicles (all-terrain vehicles, snowmobiles, off-road motorcycles), as serious injury is often the result of such crashes. Deputies will properly investigate all off-highway crashes, take appropriate enforcement action, and complete all necessary traffic accident reports. A copy of all reports

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shall be forwarded to the Colorado Parks and Wildlife as required by law.See attachment: OHV-SnowmobileAccidentReport.pdfSee attachment: Reporting Off Highway Vehicle Crashes.pdf

501.7 TRAINING

The Training Coordinator/Manager shall schedule training for all patrol deputies annually with instruction by the Colorado State Patrol to ensure a minimum Level I Traffic Crash Investigator proficiency has been obtained, and refresher training is completed annually.

501.8 NOTIFICATION OF NEXT OF KIN

If a traffic accident causes a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim’s next of kin or coordinate such notification with the Coroner, office chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim’s next of kin.

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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 Montezuma County Sheriff's Office and under the authority of CRS § 42-4-1803.

502.2 RESPONSIBILITIES

The responsibilities of those members towing 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 Records Section as soon as practicable after the vehicle is stored.

Approved towing/impound forms shall be promptly placed into the case file 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 the Dispatch Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

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 andtow the vehicle using a vehicle towing/impound form.

Deputies will make arrangements with the vehicle owner, driver, or occupants' family members to take charge and care of any animals contained within the towed vehicle(s) if the vehicle owner, driver, or occupants are incapacitated.

Firearms or any other valuables such as currency or jewelry will be secured and entered into the property/evidence room for safekeeping with completion of the approved property/evidence form.

502.2.3 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The deputy shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next tow company in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next tow company is called.

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502.2.4 RECORDS DIVISION/ABANDONED VEHICLE MEMBER RESPONSIBILITY
Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Records Section 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, Records Section 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).

Records Section personnel and the assigned abandoned vehicle membershall 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 assigned abandoned vehicle member 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)).

The Abandoned Vehicle process will be followed. Notice of towed/impounded vehicle will be provided to the owner of record and any Colorado recorded lien holders. Notice will be mailed by first class mailing unless the vehicle has been towed and secured in the joint impound lot, in which case the notice must be delivered by certified mail within 10 days.

502.3 TOWING SERVICES

The Montezuma County Sheriff's Office periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Office to tow a vehicle.

502.4 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 deemed abandoned (CRS 42-4-1803) would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it

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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 member shall note in the report that the owner was informed that the Office will not be responsible for theft or damages. A 48-hour abandoned vehicle notice will be attached in a visible location on the vehicle.

All stolen recovered vehicles that can be processed at the scene of the recovery should not be towed if the vehicle can be returned to the lawful owner/victim upon completion of the evidence processing. Any recovered stolen vehicle that can not be processed at the scene of recovery shall be towed to the agency impound lot where secured until evidence processing is completed, including photographs and or video that positively identifies the vehicle (CRS 18-4-415). The recovered stolen vehicle may be stored at the agency impound lot until the lawful owner/victim has been identified and arrangements made for returning the vehicle. No storage fees will be charged but the towing company tow fee must be paid before the vehicle is released. A copy of the paid receipt will be placed into the case file and provided to the District Attorney Office for victim restitution purposes.

In either case of a recovered stolen vehicle, photographs and/or video will be taken that can be used to positively identify the recovered stolen vehicle. The investigating member will ensure that the original or a certified copy of the certificate of title from the Department of Revenue-Motor Vehicle Division has been secured as evidence that indicates the lawful owner, and that the lawful owner has positively identified the vehicle by signing under penalty of perjury the property/evidence release and receipt form, and any defendant(s) charged with the theft of the vehicle have received notification that such photographs and/or video has been secured in the case and the stolen vehicle will be released to the lawful owner (CRS 13-25-130).

Unless the District Attorney Office places a hold on the vehicle by court order, all stolen vehicles shall be released as soon as possible to the lawful and verified owner (CRS 18-4-405).

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle tow report. 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

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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 container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 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.

502.7 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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Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle impound or storage hearings (CRS § 42-4-1804(4)(d)).

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Office a hearing will be conducted upon the written request of the registered or legal owner of the vehicle or his/her agent to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must not be the person who directed the storage or impound of the vehicle.

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The member who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on an impounded or stored vehicle shall be submitted in writing within 10 days of the date appearing on the notice (CRS § 42-4-1804(4)(d)). The Undersheriff will generally serve as the hearing officer, and follow CRS 24-4-105 regarding hearings and determinations. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Office.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision, and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage, or assessment fees as warranted.

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(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Office's expense.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Lieutenant. The hearing officer will recommend to the appropriate Division Lieutenant that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Office.

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Impaired Driving

504.1 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 and/or (DUID).

504.2 POLICY

The Montezuma 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.

504.3 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 Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, 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.

504.4 FIELD TESTS

The Patrol Lieutenant should identify the standardized SFSTs and any approved alternate tests for deputies to use when investigating violations of DUI and/or DUID laws.

504.5 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).

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If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 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).

504.5.2 BREATH SAMPLES

The Patrol Lieutenant 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 Patrol Lieutenant.

504.5.3 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.

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504.5.4 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.

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.

504.5.5 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.

504.6 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.

504.6.1 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).

504.6.2 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 a crash 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

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4. Vehicular assault

504.6.3 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.

504.7 ARREST AND INVESTIGATION

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504.7.1 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):

(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 they may refuse or agree to provide the preliminary breath sample.

When a person is the driver of a motor vehicle involved in a crash resulting in death or suspected serious bodily injury, a deputy shall request that the person provide a breath sample for a preliminary screening test as required by CRS § 42-4-1301.

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).

504.7.2 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.).

504.7.3 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).

504.7.4 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).

504.7.5 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.

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(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.

504.7.6 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).

504.7.7 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).

504.7.8 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).

504.8 RECORDS SECTION RESPONSIBILITIES

The Records Section will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

504.9 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).

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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.

504.10 TRAINING

The Training Manager 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 Manager should confer with the prosecuting attorney’s office and update training topics as needed.

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Traffic Citations

505.1 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.

505.2 RESPONSIBILITIES

Members of this office shall use the approved traffic citation for all traffic offense citations.

The Patrol Lieutenant shall be responsible for the development and design of all Office traffic citations in compliance with state law (CRS § 42-4-1707).

The Administration Division is responsible for the supply and accounting of all traffic citations issued to members of this office. Citations will be kept in a secure location and issued to deputies by the Patrol Lieutenant. Deputies will sign for the citation books when issued.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Members 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 Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may recommend dismissal of the traffic citation. 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 Patrol Division Supervisor for review.

505.4 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 Patrol Division Supervisor.

505.5 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 citation and letter shall then be forwarded to the Patrol Lieutenant. The Patrol Lieutenant shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this office shall be forwarded to the member's immediate supervisor for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with this office, all members who were issued traffic citation books shall return any unused citations to the Records Division.

505.7 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

506.1 PURPOSE AND SCOPE

The Montezuma County Sheriff's Office has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

506.2 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.

506.3 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.

506.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. Only marked Patrol Vehicles equipped with push bumpers may be used to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2), and is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

Members shall not attach any device to an Office vehicle and a disabled vehicle to move or pull the disabled vehicle unless an extreme emergency exists.

The relocation of disabled vehicles by members of this office by pushing a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Abandoned Vehicle Violations

507.1 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.

507.1.1 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.

507.2 MARKING VEHICLES

Vehicles on Montezuma County public roadways found or reported as being abandoned in violation of Colorado laws shall be noted on the Montezuma County Sheriff's Office abandoned vehicle notice card and attached to the vehicle and photographed. Deputies are to notify the Cortez Communication Center of the vehicle description, exact location and request a case report number. A Case report will be prepared and entered into the RMS Database Reporting System, along with a copy of the DMV registration/title information. Attempts to locate and contact the vehicle owner will be made and advised of the violation for willful abandonment on public property and documented in the case report. Members should notify the Colorado State Patrol if any vehicles appear to be abandoned upon any state highway within Montezuma County, and it will be at their discretion to tag and remove the abandoned vehicle.

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The abandoned vehicle will not be towed unless it is abandoned within the travel lane of the public county road and deemed a traffic hazard. A request for the Sheriff's Office Records Section to submit a copy of the case report to the Montezuma County Road Department. The abandoned vehicle that is on the edge of a county road or with the right od way will only be towed upon request of the Montezuma County Road Department who will be required to cover the cost to the PUC Tow Company.

The titled or identified vehicle owner should be charged with abandonment of a vehicle on public property under the Colorado Model Traffic Code 1803(1)(a), and if the vehicle owner cannot provide valid insurance as required under the Financial Liability Requirement in Colorado Model Traffic Code 1409(2)(3)(a) should also be charged.

507.3 VEHICLE IMPOUND

Any vehicle in violation upon Montezuma County public roadways shall be towed by the authorized towing service and a vehicle tow/impound report form shall be completed by the deputy authorizing the impoundment of the vehicle.

507.3.1 VEHICLE IMPOUND REPORTING

The vehicle tow/impound form shall be submitted to the Records Section and notice given to the assigned abandoned vehicle member immediately following the impound of the vehicle. It shall be the responsibility of the assigned abandoned vehicle member and the Records Section 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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Towing Carriers

508.1 PURPOSE

This policy provides guidelines and administrative procedures for towing carrier referral lists and service agreements.

508.2 POLICY

The Sheriff or Undersheriff may establish procedures using towing carrier referral lists or service agreements. Referral lists will be based upon a rotation system. Service agreements must be approved by the Sheriff.

508.3 OPERATIONAL PROCEDURES

Towing Carrier Assignment and Response:

(a) The Cortez Communication Center will maintain a list of tow carriers authorized for service and notified on a rotational basis.

(b) Any failure to answer a call for service, or refusal of any call for service will be considered a turn in rotation and the carrier will be rotated to the bottom of the list.

(c) If the Communication Center receives a busy signal, the Communication Center will call the next towing carrier on rotation. This will be considered a failure to answer a call for service and the tow carrier will be rotated to the bottom of the list.

(d) Carriers using answering services must confirm acceptance of a call within five minutes.Failure to do so will result in rotation to the bottom of the list.

(e) Carriers are required to provide the Communication Center with an estimated response time.

(f) When the tow carrier is requested to respond with specific equipment and fails to do so, the towing carrier may be released from the scene and rotated to the bottom of the list.

508.4 ADMINISTRATIVE PROCEDURES

Tow Carrier Retention and Application Requirements:

(a) Towing Carriers making application to receive referrals from or to provide service to the Montezuma County Sheriff's's Office must meet the criteria set forth in this section.

(b) The carrier must have a T Permit issued by the Public Utilities Commission (PUC) and comply with all rules and regulations promulgated by the Commission.

(c) Tow carrier applicant/owner and agents must comply with federal, state, and local laws and ordinances, which include, but are not limited to, those laws that are applicable to the towing company.

At the time of application or any time upon request, towing carriers must submit written documentation of the following:

(a) Each towing carrier must sign before a notary, an MCSO Towing Carrier Agreement and Referral List.

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(b) A copy of the certificate of insurance for each towing vehicle, cargo, and storage facility. Montezuma County or the Montezuma County Sheriff's Office will not be responsible for any liability, and the towing carrier will release and hold harmless Montezuma County and the Montezuma County Sheriff's Office from any liability resulting solely from any claim arising from acts and omissions of the towing carrier.

(c) A Towing Carrier Inspection Report form for each towing vehicles, completed by either the Montezuma County Sheriff's Office or the Colorado State Patrol.

(d) The name of each towing operator and a photocopy of each operator's driver license.

(e) A Towing Storage Inspection Report must be completed for each storage facility, completed by either the Montezuma County Sheriff's Office or the Colorado State Patrol.

(f) A list of day and night phone number(s) and current addresses of the towing and storage facility.

(g) All Towing Carriers must notify the Montezuma County Sheriff's Office immediately of any phone or address change.

(h) A copy of all contracts with towing carriers shall be sent to the Department of Revenue at:

Colorado Department of Revenue, Division of Motor Vehicle, Title and Registration Section, P.O. Box 173350, Denver, Colorado 80217-3350.

Additional Required Documentation:

(a) The towing carrier must agree to be available on a 24-hour basis or as may be stated in the service agreement.

(b) The towing carrier must agree to respond without delay or handling of other business en route to the scene.

(c) The towing carrier is not allowed to transfer a Montezuma County Sheriff's Office tow call to another towing carrier.This does not prohibit the carrier from obtaining assistance from another tow carrier.

(d) The towing carrier must maintain a secured area with limited access where vehicles may be safely stored either in an outside fenced enclosure or in a garage, which location is not in violation of any city, county, or state zoning for such facility. The operator must be available to respond to the storage facility when no one is available at that location during normal business hours.

(e) A towing carrier must agree to and may not release a vehicle towed with a "Hold Order" until authorized by a member of the Sheriff's Office. All Tow Carriers must agree that no one will have access to any vehicle being held under a hold order without approval of the Sheriff's Office.

(f) Towing carriers must agree not to release a vehicle towed at the Sheriff's Office request until/unless rightful ownership or legal possession of the vehicle is established. If the vehicle is driven from the tow carrier premises, carriers must ensure that the

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vehicle is safe to do so, properly registered, and will be driven only by a licensed and sober driver.

(g) The Montezuma County Sheriff's Office must be notified immediately when any vehicle towed at the request of the Sheriff's Office has been released.

(h) Towing Carriers will be required to maintain true and accurate records according to the Daily Records requirements of C.R.S. 42-5-105.

(i) Contents of impounded vehicles may be held by the tow carrier until satisfactory arrangements are made for payment of allowed tow and storage charges, with the following exceptions: Keys (except keys to the towed and stored vehicle), eye glasses, medications and medical devices, children safety devices, purses, billfolds, essential clothing, perishable foods, pets, and those items essential for livelihood. Should the vehicle become abandoned and the abandoned vehicle process is complete, the contents, except for currency or contraband, may be disposed of by the tow carrier as provided by Colorado Law.

(j) All firearms found within any vehicle to be towed at the request of the Montezuma County Sheriff's Office shall be secured by Sheriff's Office Deputies and placed into evidence for safekeeping or released to a lawful person to posses at the request of the vehicle owner or operator, with a signed disposition of property receipt.

(k) A vehicle towed by a tow carrier at the request of the Montezuma County Sheriff's Office to be held at the joint law enforcement impound lot will not be released to a rightful owner unless the tow carrier fees have been paid, and proof of payment is provided. No storage fees will be charged on any vehicle held at the joint law enforcement impound lot, which is a temporary holding facility to assist in evidence collection or for return to a victim owner.

(l) The public indirectly views a tow carrier called by the Montezuma County Sheriff's Office as an extension of the Sheriff's Office. Therefore, tow personnel are expected to conduct themselves in a courteous, business-like manner.

(m) Any failures to comply with the service agreement or administrative procedures may lead to corrective action, suspension, or removal as a towing carrier for the Montezuma County Sheriff's Office by the Sheriff.

508.5 TOWING CARRIER SUSPENSIONS AND APPEAL PROCESS

The Montezuma County Sheriff's Office has established high standards of conduct and professionalism for its members. The public considers tow carriers responding to Sheriff's Office calls as an extension of the Sheriff's Office and therefore has a higher degree of trust and expectation from that tow carrier. As a result, towing carriers are expected to operate under the same standards and to fully comply with the provisions of this policy and it's procedures. Failure to do so may result in formal action taken against the towing carrier. This action can be anything from a verbal warning to permanent removal from the Sheriff's Office referral list or service agreement, depending on the severity of the violation. Action may or may not be taken in the following sequence, depending on the violation:

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(a) Issuance of a corrective letter from the Sheriff outlining the violation and what corrective actions must be accomplished on the part of the towing carrier.

(b) The Sheriff may issue up to a 30-day suspension from the Montezuma County Sheriff's Office referral list or service agreement. The Sheriff will notify the towing carrier, in writing, of the suspension and any corrective action that may be accomplished prior to being reinstated.

(c) The Sheriff may indefinitely remove a towing carrier from the Montezuma County Sheriff's Office referral list or service agreement. The Sheriff will notify the towing carrier of the removal in writing. The notice will include the cause of the removal, and whether or not the towing carrier may apply for reinstatement after one year.

1. Towing Carriers who reapply are not guaranteed reinstatement. The Sheriff may determine whether or not to reinstate a tow carrier based upon criteria such as a legitimate need for service and prior experience with the tow carrier. Before any towing carrier can be reinstated, that tow carrier must sign a new service agreement and application requirements.

2. A towing carrier may appeal, in writing, following the receipt of the Sheriff's letter. A meeting may be arranged with the Patrol Lieutenant and the Undersheriff to listen to the appeal of the tow carrier. The Patrol Lieutenant and the Undersheriff shall make a decision and submit their recommendation to the Sheriff in writing. The Sheriff will notify the tow carrier in writing of their recommendations and the final appeal decision.

508.6 TOWING CARRIER SERVICE AGREEMENTS

The Sheriff may solicit proposals for towing and storage services to be conducted or requested by the Montezuma County Sheriff's Office and enter into written service agreements.

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Motor Vehicle Disabling Devices

509.1 PURPOSE AND SCOPE

Motor vehicles traveling at excessive speeds or in a reckless manner expose innocent citizens, law enforcement officers, and violators to the risk of serious injury or death. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for vehicle collisions. This policy is intended to be used in conjunction with the Office Vehicle Pursuit policy. Deputies must use common sense and tactically sound judgment in the decision to use an authorized motor vehicle disabling device.

509.2 AUTHORIZED DISABLING DEVICES

Authorized motor vehicle disabling devices include:

(a) **Accordion Spike Strip:** Multiple steel Spike Tips attached to a collapsible accordion frame. Will be secured at strategically approved stationary locations within Montezuma County.

(b) **Mobile Stop Stick**: Portable 3-foot collapsible polymer core containing 36 Teflon-coated hardened steel Quills with 72 Teflon-coated steel Spike Tips within a polypropylene housing.

509.3 SAFETY CONSIDERATIONS

Circumstances of each fleeing motor vehicle are different, but SAFETY is always the most important factor. Suspect drivers can abruptly swerve, stop, or maneuver their vehicle in an unexpected manner attempting to avoid a motor vehicle disabling device on the roadway.

Members should always plan ahead and determine the most suitable and safest location for deployment and communicate in advance with all other law enforcement personnel. Limit traffic on the roadway, avoiding heavy or congested traffic and pedestrian areas.

MOTOR VEHICLE DISABLING DEVICES ARE NEVER TO BE USED ON VEHICLES WITH FEWER THAN FOUR WHEELS.

Members should choose a location that provides substantial cover, such as a large tree, guardrail at the opposite end of the fleeing vehicle direction of travel, or other solid structure capable of stopping an approaching target vehicle. **PATROL VEHICLES ARE NOT ADEQUATE COVER OR PROTECTION.**

Only deploy the Motor Vehicle Disabling Device when in a safe location and can observe the target vehicle with no opposite oncoming traffic. Officer Safety, Maneuverability, and Evacuation must all be part of a safe deployment location.

Spike Strip and Stop Sticks are designed for a controlled release of air from the target vehicle's tires, usually within 20-30 seconds. **However, under some circumstances tire deflation can increase the possibility that a driver may lose control of the vehicle and crash, resulting in serious or fatal injuries.**

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Avoid deploying a Motor vehicle Disabling Device on wet surfaces, gravel, or loose pavement. These surfaces may increase the risk that the driver will lose control of the target vehicle when the tires are deflated.

509.4 TACTICAL CONSIDERATIONS

The best deployment of a Motor Vehicle Disabling Device are on dry, hard surfaces such as concrete or asphalt. The device may fail to puncture tires of a target vehicle on soft or loose material such as dirt or gravel roads.

Members should consider deploying the Motor Vehicle Disabling Devices so that a suspect driver has a limited ability to avoid striking the device.

Deployment of the device well before an intersection, driveways, and parking lots will assist in the suspect driver of the target vehicle being able to avoid the Motor Vehicle Disabling Device.

509.5 TRAINING

All members authorized to deploy and use Motor Vehicle Disabling Devices must receive a minimum one hour instruction in its nomenclature, proper deployment, after deployment protocol, care and maintenance before their official use. The Training Coordinator will schedule annual training in Motor Vehicle Disabling Devices in which all members must attend before authorized in the use.

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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 POLICY

It is the policy of the Montezuma 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.

600.3 INVESTIGATIVE PROCEDURES

The Detective Division Division Lieutenant or the authorized designee shall be responsible for developing, maintaining, and reviewing detailed investigative procedures. Such procedures shall minimally include:

(a) Case file management.

(b) Preliminary and follow-up criminal investigation checklists.

(c) Multijurisdictional investigative task force roles and responsibilities.

(d) Polygraph or other truth-telling device examinations.

(e) Cold case definition, evaluation criteria, and documentation.

(f) Undercover, surveillance/stakeouts, informant/decoy and raid operations, including use of surveillance and undercover equipment.

(g) Photographic (conventional and digital) and other digital evidence collection.

(h) Known source evidence collection for physical evidence comparison.

(i) Forensic laboratory evidence submission.

(j) Latent fingerprint preservation.

(k) Any additional accreditation-mandated procedures, including a case screening system that identifies and considers solvability factors, advising the Sheriff of investigative activities on major or sensitive cases and an on-call schedule to ensure 24-hour availability.

600.4 INITIAL INVESTIGATION

600.4.1 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:

  (a) An initial statement from any witnesses or complainants.

  (b) A cursory examination for evidence.

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(c) Determine if the crime(s) are of a serious level that may require a detective to respond through consultation with the supervisor.

(b) If information indicates a crime has occurred, the deputy shall:

(a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.

(b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.

(c) If assistance is warranted, or if the incident is not routine, notify a supervisor or the Patrol Lieutenant.

(d) Make reasonable attempts to locate, identify, and interview all available victims, complainants, witnesses, and suspects.

(e) Collect any evidence.

(f) Take any appropriate law enforcement action.

(g) 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.

600.4.2 NON-CERTIFIED MEMBER RESPONSIBILITIES

A non-certified 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.

600.5 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.

600.5.1 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 Montezuma 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.

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(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.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Division 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.

600.6 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).

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The Domestic Violence, Child Abuse, Sex Crime Victim's Rights and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation, and storage of computers, cell phones, and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the Detective Division resources that are available.

600.8 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 recordkeeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8.1 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.

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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.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications that are not public in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

600.9 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 Division Lieutenant or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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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) of the Colorado Revised Statutes.

Sexual Assault Response Team (SART) - A multidisciplinary team 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 a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Montezuma 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 QUALIFIED DETECTIVES

Qualified detectives 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.

601.4 INVESTIGATION AND 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

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unsubstantiated. Detectives should be notified as soon as possible after initial contact with a reporting party or victim when a sexual assault is reported to any member.

601.4.1 VICTIM CONFIDENTIALITY

The Office shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct pursuant to CRS § 24-72-304. The notation “SEXUAL ASSAULT” shall be made on Office official records involving a victim of a sex crime.

The name of any juvenile victim of a sex crime shall not be disseminated or published (CRS § 19-1-102(1.7)).

601.4.2 VICTIM RIGHTS

Deputies investigating or receiving a report of an alleged sex crime shall ensure victims are provided a handout explaining the victim’s rights, and information and resources available (see the Victim and Witness Assistance Policy) (CRS § 24-4.1-303).

As soon as available and when appropriate, the investigating member shall ensure the victim is provided (CRS § 24-4.1-303(10)(b)):

(a) The business address and telephone number of the District Attorney.

(b) The file number of the case and the name, business address, and telephone number of any deputy assigned to investigate the case.

(c) Information regarding a suspect being taken into custody or released, unless such information would interfere with the investigation.

(d) Information concerning any change in the status of a cold case and, upon a written request from the victim, an update at least annually concerning the status of a cold case when the criminal statute of limitations is longer than three years.

(e) Information regarding any final decision not to file charges unless this office and the District Attorney's office have developed a separate policy specifying the manner of informing victims of decisions not to file charges.

601.5 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 Detective Division 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.

601.6 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.

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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:

(a) Interviewing sexual assault victims.
(b) SART or multidisciplinary response team.
(c) Medical and legal aspects of sexual assault investigations.
(d) Serial crimes investigations.
(e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
(f) Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, 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.

Whenever possible, a member of SART or the multidisciplinary response team should be included in the initial victim interviews.

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.

Victims should be notified if forensic medical evidence has been submitted to an accredited crime laboratory (CRS § 24-4.1-302.5).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 TRUTH VERIFICATION EXAMINATIONS

Members of the Montezuma 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

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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.

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 Montezuma 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).

(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.

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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 Detective Division Supervisor.

Classification of a sexual assault as unfounded requires the Detective Division 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 his/her 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, if known, including cases that are closed or reopened (CRS 24-4.1-302.5).

601.10 CASE REVIEW

The Detective Division 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.

The SART or multidisciplinary response 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

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 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 Montezuma County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Montezuma County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Montezuma 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.

602.3 USE OF INFORMANTS

602.3.1 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.

602.3.2 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.

602.3.3 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.

602.4 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, Division Lieutenant, drug or auto theft 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 Montezuma 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 the drug or auto theft task force 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 the drug or auto theft task force 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.

602.4.1 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.

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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 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.

602.5 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 drug or auto theft task force. The drug or auto theft task force supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Division Lieutenant, Southwest Drug Task Force supervisor or their authorized designees.

The Detective Division Division Lieutenant 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 drug or auto theft task force 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.

602.5.1 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:

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(a) Name and aliases.

(b) Date of birth.

(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.

602.6 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 drug or auto theft task force supervisor will discuss the above factors with the Patrol Division Lieutenant and recommend the type and level of payment subject to approval by the Sheriff.

602.6.1 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 CI buy/expense fund.

1. The drug or auto theft task force supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) 1. The voucher 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. Authorization signatures from the Sheriff are 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 receipt.

1. The cash transfer receipt shall include the following:
   (a) Date.
   (b) Payment amount.
   (c) Montezuma 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 receipt shall be signed by the informant.
3. The cash transfer receipt will be kept in the informant's file.

602.6.2 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.

602.6.3 AUDIT OF PAYMENTS

The Sheriff 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

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this office employ eyewitness identification techniques (CRS § 16-1-109; CRS § 16-1-110).

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup, or photographic identification.

Field identification - 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.

603.2 POLICY

The Montezuma County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy (CRS § 16-1-110).

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Division 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.

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(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 they did on the date of the incident.

(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 understanding the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain they are 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).

603.5 EYEWITNESS IDENTIFICATION

Members 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). Members 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.

603.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report (CRS § 16-1-109).

If a photographic lineup is utilized, the original shall be secured and entered into evidence and a copy of the photographic lineup presented to the witness should be included in the case report. In

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addition, the order in which the photographs were presented to the witness should be documented in the case report.See attachment: MCSO Photolineup.pdf

603.6.1 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 Records Section 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

603.7 PUBLIC ACCESS TO POLICY
This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

603.8 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup (CRS § 16-1-109).

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person 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 member presenting the lineup to a witness should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

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 member should contact the appropriate prosecuting attorney before proceeding.

603.9 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.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

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(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) If safe and practicable, the person who is the subject of the show-up shall not be handcuffed or in a patrol vehicle (CRS § 16-1-110).

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses shall only be permitted to view the subjects of the show-up one at a time (CRS § 16-1-110).

(g) The person who is the subject of the show-up shall not be required to put on clothing worn by the suspect, to speak words uttered by the suspect, or to perform other actions mimicking those of the suspect (CRS § 16-1-110).

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

603.9.1 STATE FIELD IDENTIFICATION REQUIREMENTS

A deputy conducting a field identification shall (CRS § 16-1-110):

(a) Transport each witness separately to the location of the field identification.

(b) Conduct the show-up in a well-lit location with an unobstructed view of the subject of the show-up.

(c) Separate eyewitnesses from one another at the location of the show-up.

(d) Provide verbal notification as required by CRS § 16-1-110(3)(d) to each witness prior to showing them the subject.

(e) Ask the witness about their level of confidence when an identification is made and document the response in the witness's own words.

(f) Use a body-worn camera to create a video of the entire show-up procedure.

Field identifications shall only be used (CRS § 16-1-110):

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(a) When a crime has been reported and:

1. A deputy, acting on reasonable suspicion, has detained the suspect of the crime within minutes of the commission of the crime and near the location of the crime.
2. A live or photo lineup is not available as a means of identification given the circumstances.
3. A witness reasonably believes a subject can identified.

(b) To verify the identity of a person involved in an intimate relationship as defined in CRS § 18-6-800.3.

(c) To confirm the identity of a family member known to the witness.

If an eyewitness makes an identification at a show-up and the subject is arrested, additional attempts at identifying the subject shall be through a photographic or live lineup (CRS § 16-1-110).

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Brady Material Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Montezuma County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Montezuma County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Montezuma County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the office case file.

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604.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and office member shall be notified of the potential presence of *Brady* material in the member's personnel file.

(b) The prosecuting attorney or office counsel should be requested to file a motion in order to initiate an in-camera review by the court.

    1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.

(d) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

604.4.1 DISCLOSURE OF MISREPRESENTATIONS

The Sheriff or the authorized designee shall notify the local district attorney within seven days of any sustained finding that a deputy has made a knowing misrepresentation in any of the following (CRS § 24-33.5-114; CRS § 30-10-525; CRS § 31-30-107; CRS § 33-9-111):

(a) Testimony or an affidavit provided in the scope of the deputy's employment.

(b) During the course of any internal investigation of the deputy that relates to alleged criminal conduct, official misconduct, or the excessive use of force.

604.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

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604.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

604.7 BRADY PROCESS

The Sheriff shall select a member of the Office to coordinate requests for *Brady* information. This person shall be directly responsible to the Administrative Services Division Lieutenant or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Working with the appropriate prosecutors' offices, and the Sheriff's Attorney to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.

(b) Maintaining a current list of members who have *Brady* information in their files or backgrounds.

1. Updating this list whenever potential *Brady* information concerning any office member becomes known to the Office or is placed into a personnel or internal affairs file.

604.7.1 CREDIBILITY DISCLOSURE NOTIFICATION

The coordinator shall establish, in consultation with the appropriate prosecutors' offices, procedures necessary to comply with the requirements of CRS § 16-2.5-501 et seq., including prompt notification in writing of:

(a) Any sustained finding made on or after Jan. 1, 2022, where a deputy:

1. Knowingly made an untruthful statement concerning a material fact.
2. Demonstrated a pattern of bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class under federal and state law.
3. Tampered with or fabricated evidence.
4. Was convicted of any crime involving dishonesty.
5. Violated any Montezuma County Sheriff's Office policy involving dishonesty.

(b) Criminal charges filed against a deputy for any felony or any crime involving dishonesty.

(c) Any criminal or administrative investigation involving a deputy that, if sustained, would require disclosure under (a); and

1. The deputy is a potential witness in a pending criminal case; and
2. The concurrent investigation relates to the deputy's involvement in the pending criminal case.

The coordinator shall provide notice of the intent to make a credibility disclosure notification to the involved deputy at least seven days prior to contacting the prosecutor's office (CRS § 16-2.5-502).

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604.8 SUBPOENA PROCESSING

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member’s name against the current list of those who are known to have *Brady* information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.

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Unmanned Aerial System (UAS) Operations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

605.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating recording software or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no expectation of privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

If the UAS is flown during night time hours, the operation shall be in accordance with an FAA approved Certificate of Waiver. If in an emergency where loss of human life is probable, the Sheriff

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may authorize the use of the UAS prior to a Certificate of Waiver. UAS should not be flown over persons not involved in the UAS operation without FAA approval. Authorized operators are to use caution when operating UAS in areas that contain or may contain livestock or wildlife, and operate the UAS in a manner to avoid any conflict.

Prior to any operation of the UAS, including training, a current Montezuma County Sheriff's Office Operations Plan will be completed and submitted to the Administrative On-Call Supervisor and Sheriff for review and approval. The Operations Plan will be filed with the Sheriff.

605.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on 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.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

605.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Warrant Service

606.1 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.

606.2 POLICY

It is the policy of the Montezuma 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.

606.3 OPERATIONS DIRECTOR

The operations director (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 operations director 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.

606.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing an affidavit for search warrant and search warrant. 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 operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 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 operations director 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 operations director. 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.

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606.5.1 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 NCIC and/or CCIC database. No member shall make an arrest on a warrant unless he/she confirms the present status of the warrant immediately before making the arrest. Copies of all warrant confirmations will be submitted to the Records Division with the case report.

606.6 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).

1. No-knock warrant applications shall be consistent with the requirements of state law (CRS § 16-3-303).

(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).

606.7 HIGH-RISK WARRANT SERVICE

The operations director 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

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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.

606.8 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.

606.9 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.

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606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director 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 operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Montezuma County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Montezuma 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 operations director is unavailable, the Patrol Lieutenant should assume this role.

If deputies intend to serve a warrant outside Montezuma County Sheriff's Office jurisdiction, the operations director 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 Montezuma County Sheriff's Office when assisting outside agencies or serving a warrant outside Montezuma County Sheriff's Office jurisdiction.

606.11 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.

606.12 TRAINING

The Training Manager should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service, and reporting requirements.

606.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the deputy's presence would create an imminent threat of physical violence to the deputy or another person.

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606.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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Operations Planning and Deconfliction

607.1 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.

607.1.1 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.

607.2 POLICY

It is the policy of the Montezuma 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.

607.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this office to be the operations director.

The operations director 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 operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 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).

607.4.2 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 supervisor and the operations director.

The supervisor and operations director 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.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director 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) Special Response Team (SRT).

  (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) Property and Evidence Section 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.

607.5 DECONFLICTION

Deconfliction systems (RMIN, ATTIC) 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.

607.6 OPERATIONS PLAN

The operations director 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:

1. 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)

2. 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

3. 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)

4. 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.

607.6.1 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.

607.7 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 one another, 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 operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director 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 operations director to ensure that the Dispatch Center 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 the Dispatch Center, 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.

607.8 SRT PARTICIPATION

If the operations director determines that SRT participation is appropriate, the director and the SRT supervisor shall work together to develop a written plan. The SRT 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 SRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

607.9 SPECIAL EVENTS AND DIGNITARY PROTECTION

For special events, including dignitary visits, that require office involvement, the Sheriff will 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.

(d) Coordination with VIP teams.

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(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.

607.10 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.

607.11 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 SRT debriefing.

607.12 TRAINING

The Training Manager should ensure deputies and SRT team members who participate in operations subject to this policy should 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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Crime and Intelligence Analysis

608.1 PURPOSE AND SCOPE

Crime and Intelligence Analysis are two separate but coordinated operations positions within the Detective Division of the Montezuma County Sheriff's Office. Both should provide current, anticipated trends, and useful information to aid operational personnel in meeting it's crime control and prevention objectives. Crime and Intelligence analysis have been developed to help identify and analyze the identity, locations and methods of operations of individual criminals and groups of individuals within criminal organizations through crime pattern recognition and analyzing data from field contacts, case reports and arrests. Crime and Intelligence analysis are useful to the Office long range planning efforts by providing estimates od future crime trends and assisting in the identification of enforcement priorities.

608.2 DATA SOURCES

Crime and Intelligence data is extracted from many sources including, but not limited to:

- Case Reports
- Field Contacts
- Computer Aided Dispatch data
- Colorado Department of Public Safety-CIAC-ATTIC
- Rocky Mountain Information Network (RMIN)
- Internet sources
- Social Media sources-Public and Dark Web

608.3 CRIME AND INTELLIGENCE FACTORS

The following are the minimum criteria the should be used in collecting data for analysis:

- Frequency by type of crime
- Geographic location factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus Operandi factors
- Physical evidence information

608.4 ADDITIONAL CRIME ANALYSIS FUNCTIONS

The additional duties and functions of the Office Crime Analysis is the collection and forensic examinations of electronic physical evidence to include CPU, Mobile Data Computers, Data

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Storage Devices and Cellular Phones. Expert forensic examination reports are prepared to further assist in criminal investigations and prosecutions.

608.5 ADDITIONAL INTELLIGENCE ANALYSIS FUNCTIONS

The additional duties and functions of the Office Intelligence Analysis is assisting in information gathering and data collection for the Narcotics Investigation Team daily operations, crime mapping and crime organization flowcharts. Dissemination of data information to the operations divisions personnel within the Office. If the Office has current Black and Grey or Illicit Marijuana grant funding, the data collection and reporting will be required.

608.6 CRIME AND INTELLIGENCE ANALYSIS DISSEMINATION

Crime and Intelligence Analysis must function effectively so that information is disseminated to the appropriate divisions or personnel on a timely basis. Information that is relevant to the operational and tactical planning should be sent directly to those divisions and/or personnel. Information relevant to assist the Office strategic plans should be provided through the chain of command to the Sheriff.

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Forensic Genetic Genealogy

609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

609.2 POLICY

The Montezuma County Sheriff's Office's use of FGG will be in coordination with prosecutors, the Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the

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integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

(a) Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:

1. The perpetrator of an unsolved violent felony.
2. The unidentified human remains of a suspected homicide victim.

(b) All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).

(c) An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Coroner.

609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Office in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or

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genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Office.

609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

(a) Eliminate an individual as a potential suspect in the case.

(b) Link an individual to the case as a potential suspect.

(c) Identify human remains.

609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

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(a) Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.

(b) If applicable, consult with the Coroner for an amendment to a certificate of death.

609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for office records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Office.

609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the evidence technician and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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Facial Recognition Technology Use

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by a deputy to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

610.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

610.3 AGENCYHEAD RESPONSIBILITIES

The Sheriff or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Office.

610.4 FRT COORDINATOR

The Sheriff or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

(a) Establishing procedures for office FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:

1. A process for submitting and assessing deputy requests to use FRT.
2. Requirements related to processing and reviewing results generated from the use of FRT.

(b) Establishing procedures for collecting, processing, and storing FRT data.

(c) Establishing procedures for access and security controls for office FRT systems, services, and data.

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

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(d) Establishing a procedure for submitting images to the image database. The procedure should include:

1. A requirement that deputies submit images.
2. Restrictions related to the use of images voluntarily provided to the Office by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).

(e) Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).

(f) Conducting periodic audits of office FRT use.

1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.
2. The FRT Coordinator shall submit demographic data of individuals who were surveilled pursuant to CRS § 24-18-307 annually as required (CRS § 24-18-308).

(g) Confirming that authorized users have completed office-approved FRT and forensic image comparison training prior to using FRT.

(h) Coordinating with the Training Manager to develop, identify, and update FRT training for deputies who utilize the FRT system.

(i) Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.

(j) Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.

(k) Coordinating with the information systems technology supervisor, office counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

(l) Drafting the notice of intent and accountability reports as applicable, and coordinating notice and public participation as required (CRS § 24-18-302).

610.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

(a) Unknown suspects where attempts at identification through other means have been exhausted or ineffective

(b) Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)

(c) Deceased individuals

(d) Individuals who are incapacitated or do not know their identities

(e) Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)

(f) Suspects in unsolved crimes

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(g) Missing or endangered persons

(h) Unknown individuals pursuant to any other legitimate law enforcement purpose

610.5.1 USE OF FRT IN SURVEILLANCE

Deputies may use FRT in conjunction with ongoing surveillance, real-time identification, and persistent tracking (CRS § 24-18-301; CRS § 24-18-307):

(a) Pursuant to a warrant.

(b) If necessary to develop investigatory leads.

(c) Upon development of probable cause justifying FRT use.

(d) Pursuant to a court order authorizing the use of FRT to locate or identify a missing person or to identify a deceased person.

610.6 ACCESS TO FRT

Only deputies authorized by the Office may use FRT.

Prior to using FRT, a deputy seeking authorization shall submit a request to the appropriate supervisor consistent with office procedures.

The request should, at a minimum, include the following:

(a) The nature of the investigation

(b) The reason a deputy believes that FRT use is necessary

(c) An explanation of how FRT may assist with the development of investigative leads

(d) A case identification number

610.7 FRT SEARCHES

A deputy may submit a probe image for comparison with images available within the office FRT image database consistent with office procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by a deputy trained in FRT.

610.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

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610.7.2 FRT SEARCH DOCUMENTATION

The investigating deputy shall document all FRT searches in the appropriate office report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

(a) The requesting deputy's name and position.

(b) Confirmation that the search was pre-approved pursuant to office procedures.

(c) The purpose of the search.

(d) The search parameters, if any.

(e) The date and time of the search.

(f) A list of any image databases searched.

(g) The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.

(h) The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

610.8 PRIVACY CONSIDERATIONS

The Office shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the deputy shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Deputies shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

610.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

(a) For the arrest of individuals based solely on FRT results.

(b) For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.

(c) For any non-law enforcement purpose.

(d) As the sole basis for identification to establish probable cause in a criminal investigation.

(e) To harass or intimidate any individual or group.

(f) Based solely upon an individual's religious, political, or social views or activities (CRS § 24-18-307).

(g) In any other manner that would violate applicable law, regulation, or policy.

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No deputy shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

610.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

610.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

610.12 DOCUMENTATION

All pertinent records regarding the use of FRT shall be maintained to facilitate public reporting and auditing of compliance with the Montezuma County Sheriff's Office Facial Recognition Technology Use Policy and related procedures (CRS § 24-18-306).

610.13 TRAINING

Deputies whose duties may require the use of FRT shall receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following (CRS § 24-18-305):

(a) Capabilities and limitations of FRT

(b) FRT system functions and interpretation of results

(c) Data security and privacy concerns

(d) Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)

(e) Digital media handling and protections

(f) Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)

(g) Principles of comparison

(h) Cognitive bias, confirmation bias, implicit bias, and automation bias

(i) Conducting a meaningful human review of results (CRS § 24-18-301(9))

(j) Applicable policy, procedure, and federal and state law requirements

A deputy who uses mobile facial recognition shall receive additional training appropriate to that application of the technology.

The FRT coordinator shall maintain a record of each authorized deputy's training and acknowledgement of this policy.

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Chapter 7 - Equipment

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Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Officemembers are expected to properly care for Office property assigned or entrusted to them. Members may also suffer occasional loss or damage to personal or Office property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property inventory sheet or equipment log and receipt acknowledged by signature. Upon a member's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor, and forwarded to the Division Supervisor.

700.2.1 CARE OF OFFICE PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use, and replacement of Office property assigned or entrusted to them. Any member'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) Members shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any office-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Division Lieutenant that shall include the result of his/her investigation and whether the member followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.
2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Office property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Office property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Office property shall 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 shall 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 member shall attempt to repair the property without prior approval of a supervisor.

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700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on duty or its use in the performance of duties requires prior written approval by the Sheriff or appropriate Division Lieutenant. The member should submit for approval the description of personal property that the member has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by, or purchased totally at the expense of the member. This definition includes approved optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the Inter-Office Memorandum. This memorandum is submitted to the member's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Division Lieutenant that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff, who will then forward the claim to the County Administration Office. Members should first file a claim with their owner insurance provider.

The Office will not replace or repair costly items (e.g., jewelry, electronic equipment) that are not reasonably required as a part of work.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the member's immediate supervisor as reasonably soon as circumstances permit.

(b) A written report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report was made.

(c) The report shall be forwarded to the Sheriff through the chain of command.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If members of another jurisdiction cause damage to personal property or property belonging to the County of Montezuma, it shall be the responsibility of the office member present or the member

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responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The member shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Lieutenant. The report shall be forwarded to the Sheriff through the chain of command.

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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 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 POLICY

The Montezuma County Sheriff's Office allows members to utilize office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through office PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for office-related business or when the use reasonably implicates work-related misconduct.

701.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or funded PCDs may not be used for personal business either on- or off-duty unless

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authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by office procedures.

1. Use of a personally owned PCD for work-related business constitutes consent for the Office to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).

2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.

3. Searches of a personally owned PCD by the Office should be limited to those matters reasonably associated with the work-related business or work-related misconduct.

(e) The device shall not be utilized to record or disclose any office business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Office, without the express authorization of the Sheriff or the authorized designee.

(f) If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Montezuma County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally

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owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in office business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate recordkeeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct office business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official office business. Disclosure of any such information to any third party through any means requires the express authorization of the Sheriff or the authorized designee.

(f) Members will not access social networking sites for any purpose that is not official office business. This restriction does not apply to a personally owned PCD used during authorized break times.

(g) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

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1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Deputies operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (CRS § 42-4-239). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other office communications network.

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Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Members are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled, and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a 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 member who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The member's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair.

702.2.1 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.

702.2.2 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.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons, kinetic impact weapons, and portable radios shall be removed from a vehicle and properly secured in the armory or member's possession prior to the vehicle being released for maintenance, service, or repair.

All firearms, weapons, kinetic impact weapons, and portable radios shall be removed from a vehicle and properly secured whenever the vehicle is to be parked and unattended in an unsecured location, including when the member is in travel status out of the jurisdiction.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Office vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL AND UNMARKED VEHICLES

Deputies shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- 10 emergency road flares.
- 1 stick yellow crayon or chalk.

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- 1 roll crime scene barricade tape.
- 1 first-aid kit, CPR mask.
- 1 blanket.
- 1 fire extinguisher.
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask.
- 1 hazardous waste disposal bag.
- 1 traffic safety vest.
- 1 hazardous materials emergency response handbook.
- 1 evidence collection kit.
- 1 camera.
- 1 livestock assist box (lead rope, halter, grain, gloves).
- 1 wire cutters.
- Rain gear.
- 1 spare tire, jack, and lug wrench.
- Set of tire chains (seasonal).

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-half tank. Vehicles shall only be refueled at an authorized location.

702.5 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.

Deputies on patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Members using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

702.6 CIVILIAN NON-SWORN MEMBER USE

Non-swornmembers using marked or unmarked vehicles shall ensure all weapons are removed from the vehicle before going into service. Non-swornmembers shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure office-owned vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of office vehicles and shall not be construed to create or imply any contractual obligation by the County of Montezuma to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

703.2 POLICY

The Montezuma County Sheriff's Office provides vehicles for office-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments, and other considerations.

703.3 USE OF VEHICLES

County-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to office-related business outside their regular work hours.

Members shall not operate a County-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

703.3.1 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.2 MOBILE DATA COMPUTER

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Dispatch Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

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703.3.3 INSPECTIONS

The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner, or arrestee the transporting deputy shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

Supervisors will be required to perform a vehicle inspection of assigned deputies monthly and record the inspection on the approved vehicle inspection report form, and submit each report to the Patrol Lieutenant. These inspections will be utilized for annual and performance evaluations.

703.3.4 PRIVACY

All Sheriff's Office-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.5 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment, decals, markings, or accessories without written permission from the Sheriff.

703.3.6 USE OF SHERIFF'S OFFICE VEHICLES

All Sheriff’s Vehicles are operated in conformance with State law and Sheriff’s policy. Only county employees, or with supervisor permission, specific sheriff volunteers, such as; reserve deputies and non-certified deputies, are authorized to drive Sheriff’s vehicles. Only certified deputies and certified reserve deputies are authorized to drive emergency response or marked vehicles unless extraordinary circumstances require an exception to this policy.

Deputies and emergency service personnel operating a marked or unmarked department vehicle, on or off duty, are expected to respond in their official capacity to public safety emergencies, and must be suitably equipped and attired to handle those emergencies (including access to weapon and identification).

Deputies in an assigned vehicle may have family members with them on the way to or from work, (e.g. children to and from school, daycare, wife to work, etc.) with the prior approval of the Division Supervisor and the expectation that they may be called upon to act in their official capacity while operating the vehicle and that the presence of the family member cannot impede the timely response to a call-out.

The Sheriff must approve the use of Sheriff’s vehicles outside the State. Travel should be limited to those situations where it is determined that out-of-state vehicle use provides a substantial cost savings or where the situation requires the use of a vehicle because of security concerns. The county administrator may be notified of the details of the travel for each proposed out-of-state use of a Sheriff’s vehicle so that any insurance compliance requirements can be met.

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703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

When the member of an assigned vehicle is on vacation leave, injury leave or extended sick leave, the assigned vehicle will be parked at the Sheriff's Office secured lot, locked and with the unit keys placed in the key box across from the patrol sergeants office.

703.4.1 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Montezuma County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their office-issued identification. Deputies should also ensure that office radio communication capabilities are maintained to the extent feasible.

703.4.2 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the office supervisor in charge of vehicle maintenance.

(d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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703.5 KEYS

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Deputies shall not duplicate keys.

Members assigned a vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member’s chain of command.

A spare key to all Sheriff's Office vehicles will be key in a secured key box located in the Patrol Sergeant's Office. Inventory of this key box will be maintained by the Administrative Sergeant.

703.6 DAMAGE, ABUSE, AND MISUSE

When any office vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crashes Policy).

Damage to any office vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the Patrol Lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any office vehicle while off duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

703.8 SPECIAL PURPOSE VEHICLES

The Patrol Division Lieutenant or the authorized designee shall ensure that procedures are established governing the use of all special purpose vehicles. Special purpose vehicles include, but are not limited to:

- Vehicles used by tactical teams.
- All-terrain vehicles.
- Off-road vehicles.
- Aircraft.
- Water vessels.
- Vehicles used for emergency response callouts or special events.

The procedures should include, but are not limited to:

- Objectives of the vehicle’s use.
- Authorized uses (e.g., who can use the vehicle, when the vehicle can be used, limitations when using the vehicle).
- Instructions for vehicle use.

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- Training or qualifications required for a member to operate the vehicle.
- Assignment of vehicle maintenance responsibilities.
- Equipment assigned to the vehicle (including emergency lights and siren).

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Cash Handling, Security, and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of office operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Sheriff has designated the Administration Division supervisor as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms, and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice, or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Sheriff, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member 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.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff.

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704.6 ROUTINE CASH HANDLING

Those who handle cash as evidence or property, such as the Southwest Drug Task Force, shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for office services shall discharge those duties in accordance with the procedures established for those tasks by the Administration Division supervisor.

704.7 OTHER CASH HANDLING

Members of the Office who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification, and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

705.1 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.

705.1.1 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.

705.2 POLICY

The Montezuma County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 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.

705.4 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 (29 CFR 1910.95).

705.5 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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The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

705.6 HEAD AND BODY PROTECTION

Members assigned to crowd control duty should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg, and groin protection should be provided if possible.

705.7 RESPIRATORY PROTECTION

The Patrol Division Supervisor or the Detective Division Supervisor, or their designee, is responsible for insuring 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) Insuring that self-contained breathing apparatus (SCBA) equipment is regularly tested and certified in accordance with all applicable federal standards (CRS § 29-5-114).

705.7.1 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

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

(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.

(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.

705.7.2 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 (29 CFR 1910.134):

(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.

705.7.3 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 (29 CFR 1910.134).

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.

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(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

705.7.4 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.

705.7.5 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):

(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.

705.8 RECORDS

The Training Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Any respirator medical evaluation questionnaires and any subsequent physical examination results.

These records shall be maintained in a separate confidential medical file.

The records should be maintained in accordance with the office records retention schedule and 29 CFR 1910.1020.

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705.9 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 (29 CFR 1910.132).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis, also known as crime mapping, 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.
- Department of Public Safety.

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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Communication Operations

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Office provides two-way radio capability for continuous communication between the Dispatch Center and office members in the field.

801.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members, and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to command staff and office members with a specific business-related purpose.

801.3.1 EQUIPMENT PROTECTION

Equipment protection procedures should be addressed in the Dispatch Center operations manual and include:

(a) Provisions for the protection of essential equipment, such as surge protectors, a gaseous fire suppression system, an uninterruptible power system powered by a generator or other appropriate means.

(b) Provisions for the protection of radio transmission lines, antennas, and power sources for the Dispatch Center, such as security cameras, fences, or other appropriate measures.

801.4 RESPONSIBILITIES

801.4.1 DISPATCHERS

Communications Operations for the Montezuma County Sheriff's Office are contracted through the Cortez Communications Center supervised by the Cortez Police Department. Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.
2. Business telephone lines.

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3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with office members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of office members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Dispatch Center, office, and other law enforcement database systems (e.g., CCIC, DMV, NCIC).

(d) Monitoring office video surveillance systems.

(e) Maintaining the current status of members in the field, their locations, and the nature of calls for service.

(f) Notifying the Patrol Lieutenant or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

801.5 CALL HANDLING

This office provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for law enforcement services is received, the dispatcher will reasonably and quickly attempt to determine if the call is an emergency or non-emergency, and shall quickly ascertain the call type, location, and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a

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language-appropriate authorized interpreter is available in the Dispatch Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual, and the interpreter.

All dispatchers should be courteous, patient, and respectful in dealing with the public.

801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding office members and affected individuals.

Emergency calls should be dispatched immediately. The on-duty patrol supervisor shall be notified of pending emergency calls for service when office members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

801.5.3 MISDIRECTED, SILENT, AND HANG-UP CALLS

The Dispatch Supervisor should ensure that all dispatchers have guidelines for handling misdirected emergency calls, silent calls, and hang-up calls, which should include the following, as applicable:

(a) Procedures for transferring a call, including providing notice to a caller of the transfer and requesting the caller to stay on the line.

(b) Guidance for determining whether the dispatcher should stay on the line until a call has been successfully transferred.

(c) Circumstances when the dispatcher should stay on the line with a silent call.

(d) Criteria for determining when a call for service should be initiated.

(e) Circumstances when a dispatcher should attempt to reestablish contact after a call has been disconnected.

801.6 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. The dispatcher shall attempt to elicit, document, and relay as much

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information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident Control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs, and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

801.7 RADIO COMMUNICATIONS

The sheriff's radio system is for official use only, to be used by dispatchers to communicate with office members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

Members needing to communicate with other office members shall ensure that the radio frequency is clear and available, then request car-to-car communications by using their designated call sign and the other members call sign and end by stating "car to car". Upon completion of the needed communication with the other member, the requesting caller should end with "car to car clear" so that other users and the dispatcher knows that the radio frequency is clear and free for any other communication needs.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

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801.7.1 REQUIRED COMMUNICATION CAPABILITIES
The Office shall maintain 24-hour radio capabilities between the the Dispatch Center and on-duty members as well as multichannel mobile or portable radio equipment that is capable of two-way operation on a joint public safety frequency or frequencies.

801.7.2 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Montezuma County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

801.7.3 RADIO IDENTIFICATION
Radio call signs are assigned to office members based on factors such as duty assignment, uniformed patrol assignment, and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the office member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate office member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the office station name or number.

801.8 CONFIDENTIALITY
Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Division of Motor Vehicles records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

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Property and Evidence

802.1 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).

802.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The designated Evidence Technician shall maintain secure storage and control of all property necessitating custody by the Office. The evidence technician reports to the Detective Division Division Supervisor and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the evidence technician and the Detective Division Division Supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Sheriff's office. The evidence technician and the Detective Division Division Supervisor shall not loan Property and Evidence Section keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and Evidence Section other than the evidence technician must be accompanied by the evidence technician or the Detective DivisionSupervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

802.1.2 PROPERTY AND EVIDENCE SECTION MANAGEMENT RESPONSIBILITIES

The Detective Division Division Lieutenant is responsible for the management of the Property and Evidence Section. The Detective Division Division Lieutenant should designate a specific evidence technician to assist with documenting, classifying, storing, tracking, and disposing of property received by or managed by the Property and Evidence Section.

802.2 DEFINITIONS

Definitions related to this policy include:

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

Found property - Includes property found by a member or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping, such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law.

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802.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the evidence/property form. 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 entry into the evidence locker. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) The deputy shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded, or devalued by marking, should be individually packaged, labeled, and the package marked with initials and date.

(d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.

(f) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.

(g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any office supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

(h) Information on a booked firearm that has been recovered or confiscated as defined by CRS § 20-11.7-106 should be forwarded by the evidence technician to the Records Section for entry into the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives' National Tracing Center's eTrace system.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall beentered using a evidence/property form with a itemized evidence number. Drug and narcotics paraphernalia shall also be entered in the same manner with a separate evidence item number.

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The deputy seizing the narcotics and dangerous drugs shall place them in the designatedevidence locker accompanied by the original evidence/property form. A copy will be detached and submitted with the case report for the Records Section.

802.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify an immediate supervisor and the Patrol Lieutenant. A 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 will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be entered asevidence or property. All such items shall be stored in proper sealed metal containers and in an area designated for the storage of flammable materials. The evidence technician is responsible for transporting to an appropriate agency that is equipped to safely dispose of such materials, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence item collected which may contain evidence of DNA, should be properly labeled as such and submitted for examination if DNA evidence is desired.

(b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(c) License plates found not to be stolen or connected with a known crime should be returned to the registered owner or released directly evidence technician to be returned to the registered owner or the Colorado Department of Revenue, Division of Motor Vehicles. A case report is required.

(d) All bicycles and bicycle frames require an evidence/property record. Evidence/ Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the evidence technician or placed in the bicycle storage area until a evidence technician can log the property.

(e) All vehicles secured in the joint impound lot require an evidence/property tag to be securely attached and entry into the impound lot log and assigned an evidence/ property item number with required evidence/property record. Vehicles shall be released to the lawful titled owner or tow company upon completion of evidence collection. An evidence/property release form will be required. Tow expenses must be paid directly to the tow company by the lawful owner prior to release from the impound lot. Vehicles held for evidence in serious crimes against persons may require a disposition release from the District Attorney or court ordered disposition.

(f) All items of significant value (e.g., cash, jewelry) shall be counted or inventoried in the presence of another deputy, photographed, and the envelope initialed by both deputies. A supervisor shall be contacted for cash in excess of $1,000. The supervisor

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shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used. Large currency seizures will not be counted or inventoried by members. In these cases, the currency will be photographed where found and two members will secure the currency in a proper evidence container, then transported to an authorized banking facility for an official count with documentation and sealed with at least two other witnesses.

(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 form.

(h) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

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.

802.3.5 ADDITIONAL DOCUMENTATION

Members must document the circumstances detailing how the property came into their possession. Documentation should be in accordance with the Report Preparation Policy and should include photographs of the property, if appropriate.

802.3.6 EXCEPTIONAL HANDLING OF TRIAL EVIDENCE

The 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 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 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).

802.4 PACKAGING OF PROPERTY

Packaging will conform to certain evidence collection procedures. 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) Property with more than one known owner.

(d) Drug paraphernalia.

(e) Fireworks.

(f) Contraband.

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(g) Biohazards.

802.4.1 PACKAGING CONTAINER

Members shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Firearm boxes should be used for firearms only. Syringe tubes should be used to package syringes and needles.

A evidence/property tag shall be securely attached to the outside of all items or group of items packaged together with the assigned evidence/property item number.

All firearms submitted should be placed into the appropriate firearms box "UNSEALED" so that exact inspection can be performed by the Evidence Technician.

802.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated evidence locker, accompanied by the original evidence/property record. 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.

Narcotics and dangerous drugs shall be packaged in an evidence container of appropriate size. The booking deputy shall initial and date the evidence tape seal affixed to the evidence container, and the initials/date shall be attached by permanent marker or covered with cellophane tape. Controlled substances shall not be packaged with other evidence/property. Any initialed and dated seals will not be tampered or removed.

The booking deputy shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. 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 form. After packaging and sealing as required, the entire package will be weighed and the Gross Package Weight (GPW) will be written on the outside of the package, initialed and dated by the packaging deputy.

The GPW will be verified every time the package is checked in or out of the Property and Evidence Section. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Detective Division supervisor.

A completed evidence/property tag shall be attached to the outside of the container. The chain of custody shall be recorded.

802.4.3 RIGHT OF REFUSAL

The evidence technician has the right to refuse any piece of evidence/property that is hazardous or that has not been properly documented or packaged. Should the evidence technician refuse an item of evidence/property, he/she shall maintain secure custody of the item in a temporary evidence/property locker or other safe location and inform the submitting deputy's or supervisor.

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802.5 COLLECTION AND RECORDING OF PROPERTY/EVIDENCE

All members collecting property or evidence will complete an approved Evidence/Property report form within the Office report data base (ITI or E-Force) that includes the description of each separate item, date of collection, time of collection, and location of where item was found (not just the physical address). The chain of custody for each item collected will also be completed anytime evidence or property collected has been received or transferred. **Example of the Evidence/ Property report in the current ITI reporting database is as follows:**

1. Complete the Evidence Entry button and ADD evidence or property as usual.

2.Once entered, "hit and complete" the RECOVERED/DISPOSITION-Blue Tab.

3.Once completed, select EVIDENCE ENTRY-Blue Tab to complete submission.

The evidence technician receiving custody of evidence or property shall inspect and update an evidence/property control record for each piece of evidence/property received. The evidence/ property control record will be the permanent record of the evidence/property in the Property and Evidence Section. The evidence technician will record his/her signature, case report number, GPW if it is a controlled substance to be used as evidence, the date and time the property was received, and where the property will be stored on the property controlrecord.

A evidence/property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record, by property number, the date received, case number, tag number, item description, item location, and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Montezuma County Sheriff's Office shall be noted in the property logbook.

802.6 PROPERTY CONTROL

Each time the evidence technician receives evidence/property or releases property to another person, he/she shall enter this information on the evidence/property control record. Deputies desiring evidence/property for court shall contact the evidence technician at least one day prior to the court day.

802.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time evidence/property is released or received, an appropriate entry on the evidence/ property record shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the evidence technician. This request may be filled out anytime after booking of the property or evidence.

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802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control record and the request for laboratory analysis.

The evidence technician releasing the evidence must complete the required information on the property control record and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of evidence/property to deputies for investigative purposes, or for court, shall be noted on the property control record, stating the date, time, and to whom it was released.

The evidence technician shall obtain the signature of the person to whom evidence/property was released and the reason for release. Any member receiving evidence/property shall be responsible for such evidence/property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

The return of the evidence/property should be recorded on the property control record, indicating date, time, and the person who returned it.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence technician shall not release any evidence or property without a signed authorization from an appropriate authorized member of the Office. The Detective Division Supervisor or Investigator shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, a evidence technician shall, upon the request of the owner:

(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.

As provided in CRS 18-4-405, stolen property held as evidence of a crime may be photographed and released to the lawful owner with the evidence/property release form signed by the owner under penalty of perjury. Procedures as described in CRS 13-25-130 shall be followed.

802.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

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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 form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form 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 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) 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. Property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

A evidence technician 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 pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

802.6.6 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. 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.

(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.

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802.6.7 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.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months 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. The evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

Upon any release or sale of any property, the proper notation shall be made on the property control record and in the property logbook. Proceeds from the sale of unclaimed property shall be deposited into the County treasury, minus reimbursement for office expenses.

Abandoned motor vehicles impounded by the Office may be sold at a public or private sale following notice pursuant to CRS § 42-4-1805.

802.7.1 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.
- Animals, birds, and equipment related to their care and containment that have been ordered forfeited by the court.
- 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.
- Marijuana (Colorado Supreme Court People v. Crouse 01-27-17) other than Medical Marijuana (see Medical Marijuana Policy).

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802.7.2 UNCLAIMED MONEY
If found money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property (CRS § 38-13-108.2).

802.8 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section supervisor 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 Detective Division 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 in the appropriate file and a copy forwarded to the Detective Division Division Lieutenant.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Sheriff and the head of the applicable prosecutor’s office.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of the applicable statute of limitations, the Detective Division Division Lieutenant should be consulted and the sexual assault victim should be notified at least 60 days prior to the disposition of the evidence. The evidence shall be retained for an additional ten years upon objection by the victim to destruction (CRS § 24-4.1-303; CRS § 18-3-407.5).

802.8.1 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 character as to render retention impracticable, the evidence technician 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 (CRS § 18-1-1104(2)).

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

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evidence, the remainder of the evidence may be properly destroyed as allowed by law (CRS § 18-1-1104(2)).

802.8.2 RECORDS RETENTION AND PRESERVATION

The Office shall maintain a DNA record 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 § 18-1-1103(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)).

802.8.3 EXPUNGEMENT OF DNA EVIDENCE

A person may qualify for expungement and destruction of DNA evidence. This office will destroy DNA evidence after written notice is received from the Colorado Bureau of Investigation (CRS § 16-23-105).

802.8.4 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)).

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 (CRS § 18-1-1105(4)).

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)).

802.8.5 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

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return of the DNA evidence. Upon proper receipt, the Office will release DNA evidence belonging to the victim (CRS § 18-1-1107).

802.9 REPORT OF ABANDONED PROPERTY (MONEY)

The Detective Division Supervisor shall complete and file a report of presumed abandoned property to the State Treasurer each year. The report shall cover the period from July 1 to June 30 and shall be submitted no later than the immediately following November 1 date (CRS § 38-13-110).

802.10 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

On a monthly basis, the Detective Division Supervisor 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 annually, as directed by the Sheriff.

(b) An annual audit of property and evidence 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 Sheriff.

(c) Whenever a change is made in personnel who have access to the Property and Evidence Section, an inventory of all evidence/property shall be made by an individual not associated with the Property and Evidence Section or function to ensure that records are correct and all evidence and property is accounted for.

The date and results of all inspections and audits shall be documented and forwarded to the Sheriff.

802.11 TRAINING

All members will receive annual training in the proper collection and procedures for evidence. The Evidence Technician will receive additional training and certifications as needed or required.

802.12 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until 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; CRS § 24-33.5-424).

802.12.1 RELEASE OF FIREARMS IN RISK PROTECTION ORDER MATTERS

Upon notice from the Civil Processing Coordinator and/or the Records Manager that an extreme risk protection order has been terminated or not renewed, notice should be provided to the respondent of the process for the return of firearms (CRS § 13-14.5-109).

Upon request by the person named in a risk protection order, firearms or permit surrendered pursuant to the order shall be returned to the person within three days after confirming eligibility to own or possess the firearm under federal and state law through a criminal history record check (CRS § 13-14.5-109). Additionally, prior to the release of firearms or a permit the Office should:

(a) Confirm that the risk protection order is no longer in effect.

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(b) Provide notice to any family or household member of the person that the firearms or ammunition are going to be returned.

If a person other than the person named in the risk protection order claims ownership of any seized firearms, the Office shall follow the procedures outlined in CRS § 13-14.5-109.

If a person who has surrendered firearms pursuant to a risk protection order elects to transfer ownership of the firearms to another person, the Office shall follow the procedures outlined in CRS § 13-14.5-109 and the Extreme Risk Protection Order Policy prior to releasing any firearm.

If a firearm remains unclaimed for at least one year from the date that an extreme risk protection order expired, the firearm should be disposed of according to office procedures (CRS § 13-14.5-109).

802.13 VOLUNTARY RELINQUISHMENT OF PERSONAL PROPERTY

The owner of personal property that has been lawfully seized or found can voluntarily relinquish ownership of their personal property to the Montezuma County Sheriff's Office and request how it may be disposed of, or it may be disposed of at the discretion of the Office with Division Supervisor approval. Any voluntary relinquishment will require the completion of the Evidence/ Property Relinquishment form. See attachment: MCSO Private Property Relinguishment.pdf

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Records Section

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Montezuma County Sheriff's Office Records Section. The policy addresses office file access and internal requests for case reports.

803.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Patrol Lieutenant.

The Records Section will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

803.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting office member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

803.3 RECORDS SECTION TRAINING

All Records Section members 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.

803.4 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).

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803.5 POLICY

It is the policy of the Montezuma County Sheriff's Office to maintain office records securely, professionally, and efficiently.

803.6 RESPONSIBILITIES

803.6.1 RECORDS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administrative Services Division Lieutenant or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.

(b) Scheduling and maintaining Records Section time records.

(c) Supervising, training, and evaluating Records Section staff.

(d) Maintaining and updating a Records Section procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides.
2. Cases involving office members or public officials.
3. Any case where restricted access is prudent.

803.6.2 RECORDS SECTION

The responsibilities of the Records Section 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 records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(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.

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(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:

1. Deputy suicides
2. Deputy misconduct
3. Uses of force
4. Deputy deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Reporting statistical data to the Division of Criminal Justice for:

1. Qualifying incidents, including those involving the use of force by a deputy that results in death or serious bodily injury or involves the use of a weapon (CRS § 24-31-903).
2. Criminal offenses, including information regarding arrests and disposition of charges (CRS § 24-33.5-412; CRS § 24-33.5-518).
3. All instances of a deputy's resignation while under investigation (CRS § 24-31-903).

(i) Establishing a process for the entry of extreme risk protection orders into appropriate databases, notice to courts, and removal of orders from databases, as applicable (CRS § 13-14.5-110).

(j) Establishing a process for the filing of the following with the court after service of a risk protection order, as applicable (CRS § 13-14.5-108):

1. The original receipt of surrendered items within 72 hours of service of the order. A copy of the receipt shall also be properly maintained by this office.
2. In cases where no firearms were taken into custody, a statement notifying the court of the same.
3. A copy of the receipt shall also be properly maintained by the Office.

(k) Providing notice to the Property and Evidence Section upon the termination or nonrenewal of an extreme risk protection order (CRS § 13-14.5-107).

(l) Establishing a process for entering reports of lost or stolen firearms into the Colorado Bureau of Investigations Crime Information Center Database within 5 days of receiving the report (CRS § 18-12-113).

(m) Establishing a process for entering data into the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives' National Tracing Center's eTrace system when firearms are recovered or confiscated in a firearms-related crime investigation (CRS § 29-11.7-106).

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1. Data shall be entered as soon as practicable but no later than 90 days after the firearm is recovered or confiscated (CRS § 29-11.7-106).

(n) Establishing a process for collecting information on persons taken into protective custody by way of an emergency commitment relating to substance abuse and providing an annual report to the Behavioral Health Administration as provided in CRS § 27-81-111.

803.7 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies.

803.8 RECORDS REQUESTS

Records requests should be submitted to https://montezumacountysheriffco.nextrequest.com

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Salvation Army Use Guidelines

804.1 POLICY

The purpose of this policy is to provide guidelines for the use of the Salvation Army Assistance Program to provide temporary assistance to citizens in need.

804.2 PROCEDURE TO ISSUE VOUCHER

Assistance can be provided to stranded travelers in need through the Salvation Army Assistance Program through the issuance of an authorized voucher by patrol deputies. Assistance that can be provided are for lodging, gasoline, and tires. The following are Salvation Army guidelines.

Lodging Requirements:

1. **One-Two night only.**
2. Must be traveling with children.
3. No local residents or single adults should ever be given a motel room unless there are extreme circumstances (domestic violence, victim of a crime, etc.).
4. Approved lodging is the Cozy Inn, 440 South Broadway, Cortez, Colorado.
5. The Salvation Army supports The Bridge Shelter located in Cortez, Colorado. The shelter should be used whenever possible.

Gasoline Requirements:

1. The only reason a gasoline voucher should be issued is if a traveler is truly stranded.
2. A voucher for lodging is never to be issued in conjunction with a gasoline voucher.
3. A voucher can be issued for up to $50.00 for gasoline.
4. Gasoline vouchers are only authorized to be issued to the following businesses:

   City Market, 508 East Main Street, Cortez, Colorado between the hours of 6:00 a.m. and 9:00 p.m. (Use this address on the voucher: Kroger, 3485 Solutions Center, Chicago, Illinois 60677-3004, Account K10059)

Tire Repair:

1. Tire vouchers can be issued to stranded motorists as deemed necessary.
2. A voucher for lodging/gasoline should never be issued in conjunction with a tire voucher.
3. Tire vouchers are limited to $100.00.
4. Tire vouchers are only authorized to be issued to Four States Tire, 41 North Edith Street, Cortez, Colorado.

Food:

1. Can be purchased at City Market, 508 East Main Street, Cortez, Colorado.

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Deputies are required to verify the identity and perform clearance checks through NCIC/CCIC/ Local on all persons before the issuance of any Salvation Army Voucher.

804.3 VOUCHER ISSUANCE AND RECORD

Upon the completion of the Salvation Army Voucher, the white copy (original) is given to the client. The yellow copy is placed into the MCSO Operations Lieutenant box. The pink copy is placed into the Salvation Army Voucher folder in the Sheriffs Administration Office before the end of shift. The Salvation Army Cortez Service Center Coordinator is Evalena Russel, 970-564-4225. This change of procedure is effective 09-27-23.

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Records Maintenance and Release

805.1 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.

805.2 POLICY

The Montezuma County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Colorado Criminal Justice Records Act (CCJRA) (CRS § 24-72-301 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff is the Custodian of Records. The Sheriff has designated the Records Section members to assist in the responsibilities of the Custodian of Records which include, but are not limited to (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 public records.

(b) Maintaining and updating the office records retention schedule including:

  (a) Identifying the minimum length of time the Office must keep records.

  (b) Identifying the office division responsible for the original record.

  (c) See attachment: Colorado Sheriff Records Retention Schedule.pdf

(c) Establishing rules regarding the inspection and copying of office public 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 for public records 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).

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

805.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

(a) The Office is not required to create records that do not exist.

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(b) 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.

(c) The payment of any authorized fees required for the copying or mailing of the records requested as authorized by CRS § 24-72-306.

(d) Records related to arrests (i.e., official action) 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).

1. The Custodian of Records shall deny access to a requester seeking access to records unless the requester signs a statement which affirms that the records shall not be used for the direct solicitation of business for pecuniary gain (CRS § 24-72-305.5).

(e) If the records requested are related to an arrest 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 their knowledge and belief, the agency which has custody or control of the requested record (CRS § 24-72-303).

(f) For all other records requested (i.e., not related to an arrest) 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 (CRS § 24-72-304).

(g) 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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(h) 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.

805.5 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 crash reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required 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 (CRS § 24-72-204).

(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

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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.

805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Section for review and processing. While a 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, 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.

805.7 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.

805.8 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).

805.8.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY

If the Detective Division supervisor 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 determines the mistaken identity, in the judicial district where the arrest occurred (CRS § 24-72-702).

805.8.2 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

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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).

805.9 SECURITY BREACHES

Members who become aware that any Montezuma County Sheriff's Office system containing personal information may have been breached should notify the Custodian of Records as soon as practicable.

The Custodian of Records shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the security breach is reasonably believed to affect 500 or more Colorado residents, the Custodian of Records shall also notify the Colorado attorney general. Notice may not be required if the Custodian of Records, after a reasonable investigation, makes a determination that misuse of the individual’s information has not occurred and is not reasonably likely to occur. Additional notices to consumer reporting agencies may be required if the security breach requires notification to more than 1,000 Colorado residents (CRS § 24-73-103).

Notice shall be given in the most expedient time possible and without unreasonable delay, and not later than 30 days from the discovery of the breach, consistent with the needs of the office and any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation. In such cases, notice shall be made not later than 30 days after a determination is made that notification will no longer impede the investigation (CRS § 24-73-103).

For the purposes of the notice requirement, personal information includes an individual’s first name or first initial and last name in combination with any one or more of the following when not encrypted, redacted, or secured by any other method that renders the information unreadable or unusable (CRS § 24-73-103):

(a) Social Security number

(b) Driver's license number or identification card number

(c) Student, military, passport, or health insurance identification number

(d) Medical information

(e) Biometric data

(f) Username or email address, in combination with a password or security questions and answers, that would permit access to an online account

(g) Full account number or credit or debit card number, in combination with any required security code, access code, or password that would permit access to the individual’s account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Custodian of Records should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

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805.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO ALLEGED MISCONDUCT

Unedited video and audio recordings related to an incident where a complaint of deputy misconduct has been made shall be released upon a proper public record request within 21 days of the request (CRS § 24-31-902).

The Custodian of Records should work as appropriate with the Sheriff or the Internal Affairs supervisor in determining what recordings may qualify for disclosure when a request for a recording is received.

805.10.1 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).

805.10.2 RELEASE OF AUDIO OR VIDEO RECORDINGS DEPICTING A DEATH

Within 21 days after the incident, the Custodian of Records shall release unedited video and audio recordings depicting a death to each identified member of the decedent's immediate family and a person designated by the decedent's immediate family, unless the family member or designee declines, and inform these persons of their right to receive and review the recording at least 72 hours prior to public release (CRS § 24-31-901; CRS § 24-31-902).

Unedited video and audio recordings related to an incident resulting in the death of a person where a complaint of deputy misconduct has been made shall be released upon a proper public record request upon expiration of the 21-day period for release of information to the decedent's immediate family and designee (CRS § 24-31-902).

805.10.3 RESTRICTIONS RELATED TO PRIVACY

If the Custodian of Records, in consultation with the Sheriff, 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. 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).

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.

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Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Montezuma County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored, or accessed by members of the Montezuma County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local law enforcement databases that is not accessible to the public

806.2 POLICY

Members of the Montezuma County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

806.3 RESPONSIBILITIES

The Sheriff shall select a member of the Office to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Division of Motor Vehicles (DMV) records, and the Colorado Crime Information Center (CCIC).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Montezuma County Sheriff's Office CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Montezuma County Sheriff's Office policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone, or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

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(d) Tracking, documenting, and reporting all breach of security incidents to the Sheriff and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 CHALLENGE TO CRIMINAL OFFENDER RECORD

Any person has the right to challenge the accuracy and completeness of criminal justice records pertaining to him/her and to request that said records be corrected (CRS § 24-72-307). 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:

(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 Montezuma County Sheriff's Office and communicate the correction to the Colorado Bureau of Investigation.

806.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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Computers and Digital Evidence

807.1 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.

807.2 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 sheet 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 the Property and Evidence Section. 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.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

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(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.

807.2.1 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.

807.2.2 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, email, 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.

807.3 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.

(b) Do not review, access, or open digital files prior to submission.

(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.

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(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

807.4 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.

807.5 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.

807.5.1 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.

807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (e.g., smart card, compact flash card, or any other media) shall be brought to the Property and Evidence Section as soon as reasonably possible for submission into evidence.

(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. Evidence technicians are the only members authorized to copy and/or distribute digital media made from the memory cards.

(c) As soon as reasonably possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a ziplock baggie.

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The camera operator shall write his/her name and the related case number on the outside of the baggie before placing it in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images transferred properly to the storage media, the technicians will erase the memory card for reuse. The storage media will be marked as the original.

(e) Deputies requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

807.5.3 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 Procedures

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

808.1.1 TRAINING

Deputies shall successfully complete the required basic and continuing education animal control courses as approved by the Office or required by local or state authorities.

808.2 DEPUTY RESPONSIBILITIES

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. Due to the hazards of handling animals without proper equipment, responding deputies generally should not attempt to capture and pick up any animal. The following are examples of when a deputy may consider capture or pick up of an animal:

(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.

(e) When an animal is gravely injured.

808.2.1 ANIMAL CRUELTY COMPLAINTS

A deputy shall conduct an investigation on all reports of animal cruelty. 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). Animal Neglect as defined in CRS 18-9-201(4) means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well being, consistent with the species, breed and type of animal. Deputies are instructed to follow the standard operating procedures for Livestock and Animal Neglect attached to this policy, to include Notice of Entry and Care, Notice of Animal Impoundment and Cost of Care Responsibilities as provided in CRS 18-9-202.5. See attachment: 808.2.1 Livestock_Animal Neglect SOP.pdf

The assistance of the Agriculture Deputy may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case.

808.2.2 STRAY ANIMALS

If an animal has a license or in the case of livestock, can otherwise be identified by ear tag or brand, the owner should be contacted, if possible. If the owner is contacted, the animal should

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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 to holding pens, making sure the animal has food, water, and bedding. Livestock should not be transported unless found in the unlawful possession of a person(s), with the assistance of the brand inspector. A report shall be completed.

Livestock should be removed from a public roadway by placing the animal into an available fenced pasture if possible. The landowner shall be contacted along with the local brand inspector.

808.2.3 ANIMAL BITES TO HUMANS

Deputies shall obtain as much information as possible for reporting purposes. Deputies shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property for a minimum of ten days with close observation, and obtain documentation of vaccinations. 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).

808.2.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Deputies shall obtain and forward to the Agriculture Deputy 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, Agriculture Deputy may be called. If the Agriculture Deputy is unavailable, the patrol supervisor may request the assistance of an animal control officer from an outside agency.

808.3 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.

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1. Any deputy may euthanize an animal when, in his/her judgment and in the opinion of a licensed veterinarian or the owner, 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 deputy or District Wildlife Officer determines that no other reasonable action would be practical, humane, or effective for the rehabilitation of the wildlife (2 CCR 406-14:1405).
3. Any injured or euthanized big game wildlife as defined in C.R.S. 33-6-109 (3.4) (a), to include black bear, mountain lion and bobcat, must be reported to a District Wildlife Manager with the Colorado Parks and Wildlife for carcass disposition, prior to leaving a scene or discovery. Members are prohibited from possessing or giving possession to others without Colorado Parks and Wildlife written authorization.

(e) When handling dead or injured animals, Office members shall attempt to identify and notify the owner of the final disposition of the animal.

(f) 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 the Agriculture Deputy is off duty, the information will be forwarded for follow-up.

808.4 REPORTS OF ANIMALS KILLED BY WILDLIFE

When members receive a call or information regarding livestock or domestic animals purportedly killed or injured by a wildlife species, an on scene investigation and report will be made, to include photographs if possible. A District Wildlife Manager with Colorado Parks and Wildlife will be contacted as soon as possible to conduct an investigation to identify the actual wildlife species involved, if any, and assist in the investigation through contact with the livestock or domestic animal owner.

808.5 POST-ARREST PROCEDURES

Members 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 procedures should be followed.

808.6 POLICY

It is the policy of the Montezuma 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.

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808.7 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Patrol Lieutenant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

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CJIS Access, Maintenance, and Security

809.1 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.

809.1.1 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.

809.2 POLICY

It is the policy of the Montezuma 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.

809.3 CJIS COORDINATOR

The Sheriff shall appoint a CJIS coordinator, who shall be responsible for the Montezuma 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.

809.3.1 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.

809.4 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.

809.5 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.

809.6 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.

809.6.1 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.

809.6.2 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.

809.7 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.

809.7.1 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.

809.8 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.

809.9 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.]

809.10 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.

809.11 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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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Montezuma County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Office.

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 adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Montezuma County Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Montezuma County Sheriff's Office is committed to keeping adults safe while in custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, and transfer to the Detention Center for booking or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Montezuma County Sheriff's Office, but should be transported to the Detention Center, a medical facility, or other type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision, or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

  (a) If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed.

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior.

(h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision (6 CCR 1010-13:18.0). Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female office member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the room of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

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(c) Any other person authorized by the Patrol Lieutenant or Detective Lieutenant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others (6 CCR 1010-13:14.0). The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. The receiving deputy should ask the arresting deputy if there are any statements, indications, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Patrol Lieutenant of any conditions that may warrant immediate medical attention or other appropriate action. The Patrol Lieutenant shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The deputy responsible for an individual in custody shall:

(a) Advise the Patrol Lieutenant of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

(c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

(d) Ensure males and females are separated by sight and sound when in cells.

(e) Ensure restrained individuals are not placed in cells with unrestrained individuals.

(f) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

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(g) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities, and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Lieutenant will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to office members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
        (c) Forward any communication from the individual to his/her consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH, AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY REPORTING

Any time an individual is in temporary custody at the Montezuma County Sheriff's Office, the custody shall be promptly and properly documented in a case report, including:

(a) Identifying information about the individual, including his/her name.

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(b) Date and time of arrival at the Office.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks.

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Montezuma County Sheriff's Office.

The Patrol Lieutenant should approve the temporary custody and should also be notified when the individual is released from custody or transferred to another facility.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals 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 individual is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins (6 CCR 1010-13:10.0).

(d) There is reasonable access to a drinking fountain or water (6 CCR 1010-13:10.0).

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

1. Personal clothing taken shall be cleaned, disinfected, or stored so as to control communicable diseases (6 CCR 1010-13:12.0).

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (6 CCR 1010-13:12.0).

(i) The supervisor should ensure that there is an adequate supply of clean blankets.

(j) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.

(k) Adequate furnishings are available, including suitable chairs or benches (6 CCR 1010-13:8.0).

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900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to office members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times (6 CCR 1010-13:14.0).

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Montezuma County Sheriff's Office. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Patrol Lieutenant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival (CRS § 16-3-402).

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

    1. The Office should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should

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generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed in the Detention Center. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 ATTORNEYS

The Division Supervisor is responsible to ensure the following:

(a) Any attorney in this state shall be permitted to see and consult with a person in custody, alone and in private (CRS § 16-3-404):
    (a) Upon the demand of the person in custody.
    (b) Upon demand of a friend, relative, spouse, or attorney of the person in custody, if the person expressly consents to see or to consult with the attorney.

(b) A person in custody shall be allowed to consult with an attorney as many times and for as long as reasonable.

(c) Any attorney and the person in custody should be searched for weapons prior and after being admitted to an interview room.

(d) Attorneys must produce a current identification card or license from a recognized state regulatory or licensing agency, as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded.

900.5.9 BAIL OR PRETRIAL RELEASE

Individuals in custody should be allowed to consult with the pretrial release agency or with a bail bondsman as soon as practicable after admission to the Detention Center.

900.5.10 FOOD SERVICE

Food provided will be purchased from a retail or commercial food provider (6 CCR 1010-13:13.0).

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900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Montezuma County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person’s signature as notice of receipt. The Office shall maintain a copy of the property receipt.

The Patrol Lieutenant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Patrol Lieutenant shall attempt to prove or disprove the claim.

900.8 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Patrol Division Lieutenant and Detective Lieutenant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Montezuma County Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Patrol Lieutenant, Sheriff, and Detective Division Lieutenant.

(c) Notification of the spouse, next of kin, or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the District Attorney.

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(f) Notification of the Coroner.

(g) Evidence preservation.

900.9 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms, and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Montezuma County Sheriff's Office unless escorted by a member of the Office.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The office member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, deputies should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred when possible to assist with his/her personal needs as reasonable.

900.10 TRAINING

Office members should be trained and familiar with this policy and any supplemental procedures.

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Custodial Searches

901.1 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 Montezuma 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.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia, or female breasts are visible.

901.2 POLICY

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.

901.3 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.

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.

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901.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Montezuma 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.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another office member. The inventory should include the case number, date, time, member's Montezuma County Sheriff's Office identification number, and information regarding how and when the property may be released.

901.4.2 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.

901.5 STRIP SEARCHES

No individual in temporary custody at any Montezuma 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.

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(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).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Montezuma County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

(a) Written authorization from the Patrol Lieutenant 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.

(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 Patrol Lieutenant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.

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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.

901.6 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 Sheriff and only upon a search warrant or 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) 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.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) 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 Patrol Lieutenant’s approval.
4. A copy of the search warrant.

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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

(f) 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.

901.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

901.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Office.

The Sheriff or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing deputies with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent a deputy from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees in the Montezuma County Sheriff's Office Temporary Holding or Detention Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vulva, or anus.
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6).

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the detainee, arrestee, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
- Contact between the mouth and the penis, vulva, or anus.
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse or gratify sexual desire.
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above.

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- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, arrestee, or resident.
- Voyeurism by a staff member, contractor. or volunteer (28 CFR 115.6).

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, arrestee, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, arrestee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Montezuma County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Montezuma County Sheriff's Office will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Sheriff has appointed the Detention Division Captain as the PREA Coordinator authorized to develop, implement, and oversee office efforts to comply with PREA standards in the Montezuma County Sheriff's Office Temporary Holding and Detention Facilities (28 CFR 115.111). The PREA Coordinator’s responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of Montezuma County Sheriff's Office detainees or arrestees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and office leadership to an incident of sexual abuse (28 CFR 115.165).

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(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the office's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).
2. A protocol describing the responsibilities of the Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence,

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conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding or Detention Center Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse.
- Sexual harassment.
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment.
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment.

During intake the Office shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Detention Division Captain any knowledge, suspicion, or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding or Detention Center Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

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902.4.2 DETENTION DIVISION SUPERVISOR RESPONSIBILITIES

The Detention Division Captain shall report to the Detective Division all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Detention Division Captain shall also report the allegation as required under mandatory reporting laws and office policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Detention Division Captain shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Detention Division Captain shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from a Temporary Holding Facility to a jail, prison, or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Office shall promptly, thoroughly, and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171). The assistance of the Colorado Bureau of Investigation will also be requested.

902.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

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902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects, and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person’s status as a detainee or a member of the Montezuma County Sheriff's Office.

(f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the District Attorney. The Sheriff or District Attorney shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary action up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for office members who have

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engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed.

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Detention Division Captain or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Detention Division Captain or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

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(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files, and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the office’s progress in addressing sexual abuse.

The report shall be approved by the Sheriff and made readily available to the public through the office website or through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding or Detention Center Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Montezuma County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the office website or through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

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All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All members, volunteers, and contractors who may have contact with detainees shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that members, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current members and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Transporting Persons in Custody

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Montezuma County Sheriff's Office.

See the Handcuffing and Restraints Policy for additional guidance.

903.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to provide safe, secure, and humane transportation for all persons in custody.

903.3 DIVISION SUPERVISOR RESPONSIBILITIES

The Division Supervisors 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.

903.4 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 the Dispatch Center 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.

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(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.

(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).

903.5 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.

903.6 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.

903.7 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.

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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.

903.8 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 Patrol Lieutenant.

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.

903.9 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.

903.10 CIVIL COMMITMENT TRANSPORTS

When transporting any individual for civil commitment, the transporting deputy should request that the Dispatch Center 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, Patrol Lieutenant approval is required before transport commences.

See the Civil Commitments Policy for additional guidance.

903.10.1 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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903.11 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 the Dispatch Center and request an appropriate response.

903.12 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.

903.13 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.

903.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting deputy should immediately advise the Dispatch Center and other units of the escape, provide a description of the escapee, notify the Patrol Lieutenant, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Patrol Lieutenant should notify the Sheriff or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Montezuma County Sheriff's Office, the Patrol Lieutenant should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

903.15 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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903.16 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.

903.17 TRAINING

The Training Manager 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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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for member recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Montezuma County Sheriff's Office and that are promulgated and maintained by the Administration Division.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on character, integrity, merit, ability, competence, and experience.

1000.2.1 VETERAN'S PREFERENCE

Veterans and spouses of veterans of the armed forces of the United States shall receive preference as applicable (CRS § 29-5.5-104; Colorado Constitution Article XII, § 15(1)).

1000.3 STAFF AND SPECIALIST POSITIONS

Experienced applicants for management, supervisory positions, and for specialists will be considered from within the Office and from individuals outside the Office for positions such as criminal investigations, crime prevention, identification, or other positions that require specialized skills. These individuals must meet, or previously have met, the Office employment criteria for certified or non-sworn employment, as appropriate to the position. If applicable, the selection process for the position may also include:

(a) Successful completion of a specialized employment examination.

(b) Successful completion of an assessment center process.

(c) An acceptable score from a staff interview and/or oral board.

Candidates meeting Office hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the:

(a) Psychological examination.

(b) Physical examination.

(c) Drug test.

(d) Sheriff final interview.

Regular member status may be granted upon:

(a) Successful completion of training.

(b) Successful completion of probation.

1000.4 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office shall employ

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a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Polygraph or voice stress analyzer examination (when legally permissible)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Relevant national and state decertification records, if available, including the National Decertification Index

(l) Any relevant information in the National Law Enforcement Accountability Database

The Office shall not seek the wage history of applicants, rely on the wage rate history of a prospective employee, or otherwise engage in wage discrimination (CRS § 8-5-102).

1000.4.1 EXAMINER AND INVESTIGATOR QUALIFICATIONS

If a polygraph or computer voice stress analysis examination is administered, the examiner should be appropriately licensed or certified and a copy of the license or certification should be maintained by the accreditation coordinator.

Medical and psychological examinations should be administered by appropriately licensed professionals. Examination results should be securely maintained in accordance with Colorado law and the established records retention schedule (see the Personnel Records and the Records Maintenance and Release policies).

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Only members who have received office-approved training should conduct background investigations.

1000.4.2 CANDIDATES PREVIOUSLY EMPLOYED BY GOVERNMENTAL AGENCY
The Administration Division Supervisor shall ensure that a waiver is included in the application for applicants employed or previously employed by a law enforcement or governmental agency that authorizes disclosure of all files, including the candidates' internal affairs files.

The assigned Background Investigator shall submit the waiver to the agency at least 21 days prior to submitting applicant packet for a hiring decision regarding the candidate (CRS § 24-33.5-115; CRS 30-10-526; CRS § 31-30-108).

A applicant/candidate who refuses to execute the required waiver shall not be considered for employment by the Montezuma County Sheriff's Office. This Office and any prior-employing government agency are released from any liability related to the use and disclosure of the files.

The Administration Division Supervisor shall determine if a new hire, appointee, or transfer has a record contained in the Colorado Peace Officer Standards and Training (POST) Board misconduct database crated pursuant to CRS 24-31-303, and notify the POST Board if the Office employs the individual in a POST Certified position (CRS 24-31-305).

1000.5 POLICY

In accordance with applicable federal, state, and local law, the Montezuma County Sheriff's Office provides equal opportunities for applicants and employees regardless of 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. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Office will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.6 RECRUITMENT

The Sheriff's Office Command Staff shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

(a) Establishment of a written recruitment plan.

1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.

(b) Identification of racially and culturally diverse target markets.

(c) Use of marketing strategies to target diverse applicant pools.

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(d) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive office website and the use of office-managed social networking sites, if resources permit.

(e) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(f) Employee referral and recruitment incentive programs.

(g) Consideration of shared or collaborative regional testing processes.

The Sheriff's Office shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.7 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Montezuma County Sheriff's Office.

1000.7.1 BACKGROUND INVESTIGATION CONSIDERATIONS

Background investigators shall verify a candidate's qualifying credentials. Background investigations should involve a home visit with the candidate and his/her family and interviews with neighbors and at least three personal references of the candidate. Personal references should include at least one employer if the candidate has an employment history.

1000.7.2 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.7.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate’s background investigation file.

1000.8 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred.

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- Passage of time.
- Patterns of past behavior.
- Severity of behavior.
- Probable consequences if past behavior is repeated or made public.
- Likelihood of recurrence.
- Relevance of past behavior to public safety employment.
- Aggravating and mitigating factors.
- Other relevant considerations.
- Any Disqualifying Incident as listed in Rule 1 of the Colorado Peace Officer Standards and Training (POST).

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.9 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (CRS § 24-31-305; 4 CCR 901-1:10). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Administration Division should maintain validated standards for all positions.

1000.9.1 STANDARDS FOR DEPUTIES

Candidates shall meet the following minimum standards established by the POST Board (CRS § 24-31-305; 4 CCR 901-1:10):

(a) Have completed basic training and passed a POST-administered examination, as applicable (CRS § 24-31-305)

(b) Have submitted to both a physical and a psychological evaluation (CRS § 24-31-303)

(c) Have a high school diploma or equivalent (CRS § 24-31-305)

(d) Possess a current first aid and cardiopulmonary resuscitation certificate (CRS § 24-31-305)

(e) Be at least 21 years of age (CRS § 24-31-305).

(f) Have submitted to a fingerprint-based criminal history record check (CRS § 24-31-303)

(g) Unless granted an exemption by the POST director, have no disqualifying incidents, as defined in 4 CCR 901-1:1 and CRS § 24-31-305.

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1000.10 PROBATIONARY PERIODS

An entry-level training and a probationary period of at least 12 months is required before members are considered for regular member status.

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Evaluation of Members

1001.1 PURPOSE AND SCOPE

The Office’s member performance evaluation system is designed to record work performance for both the Office and the member, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Montezuma County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and member. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates members in a non-discriminatory manner based upon job-related factors specific to the member's position, without regard to 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.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each member's immediate supervisor. Other supervisors directly familiar with the member's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each member at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of a member's job performance is an ongoing process. Continued coaching and feedback provides supervisors and members with opportunities to correct performance issues as they arise.

Non-probationary members demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Members who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1001.4 EVALUATION FREQUENCY

Members are evaluated based on the following chart:

Position	Evaluated every six months	Evaluated yearly	Length of probation
Probationary certified members	X		1 Year
Non-probationary certified members		X	
Probationary non-swornmembers	X		1 Year
Non-probationary, non-sworn members		X	

1001.4.1 RESERVE DEPUTY EVALUATIONS

Reserve deputy evaluations are covered in the Reserve Deputies Policy.

1001.4.2 VOLUNTEER EVALUATIONS

Volunteer evaluations are covered in the Volunteer Policy.

1001.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular members. An evaluation will be completed monthly for all full-time non-sworn personnel during the probationary period. Probationary certified personnel are evaluated daily, weekly, and monthly during the probationary period.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular members are subject to three types of performance evaluations:

Regular - A member performance evaluation shall be completed once each year by the member's immediate supervisor on or near the anniversary of the member's date of hire, except for members who have been promoted, in which case a member performance evaluation shall be completed on the anniversary of the member's date of last promotion.

Transfer - If a member is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with contributions from the previous supervisor.

Special - A special evaluation may be completed any time the rater or the rater’s supervisor determine one is necessary for other reasons, including an assessment of member performance that appears to have become substandard. Generally, when used to demonstrate those areas of performance that appear to be substandard the evaluation would include followup action (e.g., action plan, remedial training, retraining). The evaluation form and any documentation shall be submitted as one package.

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1001.6.1 RATINGS
The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Represents performance that is better than expected of a fully competent member. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets standards - Performance of a fully competent member. It means satisfactory performance that meets the standards required of the position.

Needs improvement - A level of performance less than that expected of a fully competent member and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the member.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the member's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the member. The supervisor should discuss the results of the recently completed rating period and clarify any questions the member may have. If the member has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and member will sign and date the evaluation. Members may also write comments in the member comments section of the performance evaluation report.

1001.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the member, the signed performance evaluation is forwarded to the Division Lieutenant. The Division Lieutenant shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Lieutenant shall use the quality of performance ratings prepared as a factor to evaluate the supervisor. The performance evaluation is then forwarded to the Undersheriff and Sheriff for final review.

1001.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the member's personnel file in the office of the Sheriff for the member's tenure.

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Promotional and Transfer Policy

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Montezuma County Sheriff's Office.

1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating members for promotion and transfer:

(a) Presents a professional and neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Demonstrates:

1. Emotional stability and maturity.
2. Stress tolerance.
3. Sound judgment and decision making.
4. Personal integrity and ethical conduct.
5. Leadership.
6. Initiative.
7. Adaptability and flexibility.
8. Ability to conform to organizational goals and objectives.
9. Skills and abilities related to the position.
10. Meets Expectations or higher on all Annual Performance Evaluations.

1002.2 NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers or special skills positions and are not considered promotions:

Detective

School Security Resource Officer

Field Training Officer

Community Relations/Public Information Officer (PIO)

D.A.R.E. deputy

Court deputy

ASP Deputy

Mounted Patrol Unit

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1002.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Two years experience is preferable, but may be waived to at least one year serving in current duty/job assignment or Reserve Deputy if currently a Colorado Certified Peace Officer, at the discretion of the Sheriff.

(b) Regular full-time member status.

(c) Has shown an express interest in the position applied for.

(d) Education, training, and demonstrated abilities in related areas, such as enforcement activities, investigative techniques, report writing, and public relations.

(e) Completed any training required by POST, federal or state law, or Office policy.

1002.3 SELECTION PROCESS
The following criteria apply to transfers:

A written request for transfer on agency inter-office memorandum to the Sheriff via chain of command, that will include the following:

(a) An administrative evaluation as determined by the Sheriff that shall include a review of supervisor recommendations. Each supervisor who has overseen or has otherwise been accountable for the candidate's performance will submit recommendations.

(b) The supervisor recommendations will be submitted to the Division Lieutenant for whom the candidate will work. The Division Lieutenant will schedule interviews with each candidate.

(c) Based on supervisor recommendations and those of the Division Lieutenant after the interview, the Division Lieutenant will submit his/her recommendation to the Sheriff.

(d) Appointment by the Sheriff.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations, or for training.

1002.4 PROMOTIONAL SPECIFICATIONS
Specifications for promotional opportunities are on file with the Administrative Division.

Additional requirements are no reprimands or disciplinary actions within the past year and not currently held on a Probationary Period for currently held position.

1002.5 SUPERVISOR CERTIFICATE
Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course.

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Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this office that all grievances be handled quickly and fairly without discrimination against members who file a grievance. The Office's philosophy is to promote free verbal communication between members and supervisors.

1003.1.1 DEFINITIONS

Definitions related to this policy include:

Grievance - Any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

Grievances may be brought by an individual member.

Specifically excluded from the category of grievances are:

(a) Complaints related to alleged acts of sexual, racial, ethnic, or other forms of unlawful harassment.

(b) Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background, and other lawfully protected status or activity that is subject to the complaint options set forth in the Discriminatory Harassment Policy.

(c) Complaints related to state workers' compensation.

(d) Personnel complaints consisting of any allegation of misconduct or improper job performance by any office member that, if true, would constitute a violation of office policy, federal, state, or local law set forth in the Personnel Complaint Procedure Policy.

1003.2 PROCEDURE

If a member believes that he/she has a grievance as defined above, the member shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with the immediate supervisor.

(b) If after a reasonable period of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the member may request interviews through the chain of command up to the Division Lieutenant of the affected division.

(c) If a successful resolution is not found through the chain of command, the member may request a meeting with the Sheriff.

(d) If the member and the Sheriff are unable to arrive at a mutual solution, the member shall submit a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor that includes the following information:

1. The basis for the grievance (e.g., the facts of the case).

2. Allegation of the specific wrongful act and the harm done.

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3. The specific policies, rules, or regulations that were violated.
4. The remedy or goal being sought by the grievance.

The member shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

The Sheriff will receive the written grievance. The Sheriff and the County Administrator will review and analyze the facts or allegations and respond to the member within five business days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Sheriff is considered final.

1003.3 PUNITIVE ACTION

At no time will punitive action be taken against an any member for exercising any rights during the grievance procedure.

1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Services for inclusion into a secure file for all written grievances. A second copy of the written grievance will be provided to the member.

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Anti-Retaliation

1004.1 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 wellbeing 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, or ordinance.

1004.2 POLICY

The Montezuma 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.

1004.3 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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1004.4 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, or the Sheriff.

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.

1004.4.1 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 for investigation in accordance with the Personnel Complaints Policy. The Internal Affairs should complete the investigation within 180 days of receiving the complaint (CRS § 24-31-906).

1004.5 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:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

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(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.

1004.6 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 inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.8 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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Reporting of Member Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a member's ability to properly perform official duties. Therefore, all members shall be required to promptly notify the Office of any past and current criminal convictions and traffic violation convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Colorado and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child, pet) (18 USC § 922; CRS § 18-12-108).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to the Sheriff via a supervisor through the chain of command, as provided in this policy.

1005.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Colorado (CRS § 24-31-305(1.5)(a)).

If a person is convicted of a misdemeanor crime listed in CRS § 24-31-305(1.5) after July 1, 2001, they may not obtain POST certification without a waiver or may have their POST certification suspended or revoked.

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this office may prohibit him/her from carrying out law enforcement duties.

Queries of all members shall be performed by the Records Section annually and provide a written report to the Sheriff.

1005.3.1 COURT ORDERS

All members shall promptly notify the office if they are part of any criminal or civil court order. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate (see generally CRS § 24-31-303).

1005.3.2 TRAFFIC VIOLATIONS

A valid Colorado Driver License is a mandatory requirement for members of this Office. All members are responsible for ensuring that they have and maintain a valid driver license, and shall promptly report any traffic offense or infraction violations to the Sheriff via their immediate supervisor through the chain of command.

Queries of all members shall be performed by the Records Section annually and provide a written report to the Sheriff.

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1005.4 REPORTING PROCEDURE

All members of this office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment, and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.4.1 ANNUAL CERTIFICATION OF PEACE OFFICER RECORDS

The Sheriff or the authorized designee shall verify the accuracy of the information associated with POST-certified deputies of the Montezuma County Sheriff's Office. Certification shall be made annually in the form and manner prescribed by POST (4 CCR 901-1:17).

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Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on office time can endanger the health and safety of office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Patrol Lieutenant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Office while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession or use of medical marijuana or being under the influence of marijuana on or off duty is prohibited and may lead to disciplinary action to include termination.

1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on office premises or on office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 MEMBER ASSISTANCE PROGRAM

There may be available a voluntary member assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Members should contact the Human Resources Department, their insurance providers or the member assistance program for additional information. It is the responsibility of each member to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1006.7 REQUESTING SCREENING TESTS

A supervisor may request a member to submit to a screening test under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the member is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The member discharges a firearm, other than by accident or the destruction of animals, in the performance of his/her duties.

(c) During the performance of his/her duties, the member drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the member in writing of the following:

(a) The test will be given to detect alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the member.

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(c) The member may refuse the test, but that refusal may result in dismissal or other disciplinary action.

1006.7.2 SCREENING TEST REFUSAL
A member may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.9 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the member assistance program are considered confidential medical records and shall be maintained separately from the member's other personnel files.

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Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible members are detailed in the County personnel manual or agency policy manual.

This policy is not intended to cover all types of sick or other leaves. For example, members may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq).

1007.2 MEMBER RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental, or vision exams or medical treatment of the member or the member's immediate family when it is not reasonably possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation. Abuse of sick leave may result in discipline and/or denial of sick leave benefits. Members on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational, or other activity that may impede recovery from the injury or illness.

Upon return to work, members shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences (CRS § 8-13.3-404; CRS § 8-13.3-405). Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both (CRS § 8-13.3-418).

Members on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the Patrol Lieutenant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (CRS § 8-13.3-404).

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When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a healthcare provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a healthcare provider's statement for an absence of three or fewer days.

Members who have opted into the Montezuma County Employee sick leave pool must contact the County Administration Office to request the sick leave pool usage prior to the members accrued sick leave being depleated. Members must submit the following form to request an additional 45 days of sick leave. See attachment: Sick Leave Pool Request Form.pdf

1007.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected office operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available member assistance program when appropriate.

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Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of office members contracting and/or spreading communicable diseases.

1008.1.1 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 Montezuma County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All Office personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

1008.2.1 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids, such as saliva, urine, semen, and vaginal secretions, are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1008.2.2 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- No fewer than two pair of disposable latex/nitrile gloves (keeping a box in the car is recommended).
- Safety glasses or goggles
- NIOSH N95 particulate respirator with a one-way valve.
- Alcohol, or similar substance, to flush skin at emergency site.
- Keeping alcohol hand wipes in the car is recommended.

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The protective equipment is to be kept in each sheriff's vehicle, inspected at the start of each shift, and replaced immediately upon returning to the station if it has been used or damaged during the shift, or is otherwise in need of replacement.

1008.2.3 IMMUNIZATIONS
All Office personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1008.2.4 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential foran exposure exists.

1008.2.5 INFORMATION AND TRAINING
All members shall participate in occupational exposure training commensurate with the requirements of his/her position. The training shall be provided:

(a) At the time of initial assignment to tasks where an occupational exposure may take place.

(b) At least annually after the initial training.

(c) Whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

The occupational exposure training should meet the minimum standards set by state and federal regulations (29 CFR § 1910.1030(g)(2)(vii)).

1008.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids.

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1008.3.1 USE OF WASTE CONTAINERS

Deputies shall dispose of biohazards with the on--scene fire response vehicle or ambulance, at the attending clinic or hospital with its approval, or in an appropriately marked biohazard waste container immediately upon arrival.

The biohazard waste container shall be collapsible, leakproof, red and appropriately labeled with a biohazard warning, and routinely emptied.

1008.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall immediately wash their hands either while on scene or as soon as practicable following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If a member's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the member shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant wash or rinse. If large areas of the member's skin are contaminated, the member shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as a cleaning or decontamination area.

1008.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, members are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing oneself or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device, such as tongs or a broom and a dustpan, to clean up debris. If the material must be handheld, protective gloves must be worn.

1008.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or sheriff's vehicle. The waste material shall then be

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disposed of in a biohazard waste container at the hospital or sheriff's station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1008.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The member shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck, or sheriff's vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1008.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or sheriff's station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, corners, crevices, portable radios, and external microphones. Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces, and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

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1008.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry-cleaned, place it in a biohazard waste bag. The member will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the Office's expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1008.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios, and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1008.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the member.

1008.4.1 MEMBER RESPONSIBILITY TO REPORT EXPOSURE
In order to provide appropriate and timely treatment should exposure occur, all members shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. The report shall be submitted to the member's immediate supervisor. Members should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1008.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information:

(a) Name and social security number of the member exposed.
(b) Date and time of incident.
(c) Location of incident.
(d) The potentially infectious materials involved.
(e) Source of material or person.
(f) Current location of material or person.
(g) Work being done during exposure.
(h) How the incident occurred or was caused.
(i) PPE in use at the time of the incident.
(j) Actions taken post-event (e.g., cleanup and notifications).

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The supervisor shall advise the member of the laws and regulations concerning disclosure of the identity and infectious status of a source.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

1008.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Any member who was exposed or suspects he/she was exposed to a communicable disease shall be seen by a physician (or qualified healthcare provider) as soon as reasonably possible. The doctor or qualified healthcare provider should be provided the supervisor's report and the member's medical records relevant to the visit and examination.

The member shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed member will be informed of the source's test results.

The healthcare professional shall provide the ECO and/or the County's risk manager with a written opinion/evaluation of the exposed member's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the member.
- If the member received a post-exposure treatment.
- Confirmation that the member received the evaluation results.
- Confirmation that the member was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.
- Whether communicable disease testing from the source is warranted, and if so, the possible diseases to be tested.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1008.4.4 COUNSELING

The Office shall provide the exposed member, and his/her family if necessary, the opportunity for counseling and consultation.

1008.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The Office shall ensure that all records and reports are kept confidential.

The Office shall be responsible for maintaining records containing the member's treatment status and the results of examinations, medical testing, and follow-up procedures that took place as a result of an exposure.

The risk manager shall be responsible for maintaining the name and social security number of the member and copies of any information provided to the consulting healthcare professional as a result of an exposure.

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This information is confidential 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.

1008.5 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.

(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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Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by members and others while on duty or while in Montezuma County Sheriff's Office facilities or vehicles.

1009.2 POLICY

The Montezuma County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking is prohibited by members and visitors in all office facilities, buildings, and vehicles, and as is further outlined in this policy.

1009.3 SMOKING AND TOBACCO USE

Smoking by members is prohibited any time members are in public view representing the Montezuma County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes inside County Facilities or inside County vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No member shall smoke any tobacco product inside office facilities or smoke tobacco products within 25 feet of an entryway of any office building (CRS § 25-14-204). Smoking includes the use of an electronic smoking device as defined in CRS § 25-14-203.

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Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Montezuma County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Personnel complaints- Any allegation of misconduct or improper job performance against any office member that, if true, would constitute a violation of office policy, federal, state, or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about member conduct or performance that, if true, would not qualify as a violation may be handled informally by a Office supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures, or the Office's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

(a) **Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a Office supervisor of rank greater than the accused member. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

(b) **Formal** - A matter in which the complaining party requests further investigation or which a Office supervisor determines that further action is warranted. Such complaints may be investigated by a Office supervisor of a rank greater than the accused or referred to the Undersheriff and Sheriff for an Internal Affairs investigation, depending on the seriousness and complexity of the investigation.

(c) **Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Undersheriff, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Complainant - A person claiming to be the victim or witness of misconduct by a deputy.

Investigation - An administrative investigation, conducted by the Office, of alleged misconduct by a deputy that could result in punitive action.

Punitive action - A disciplinary suspension, indefinite suspension, demotion in rank, reprimand, termination, or any combination of those actions.

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1010.2 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor was involved in or witnessed the alleged incident. The Sheriff or the authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Division Supervisor and Sheriff are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Supervisor of the accused member, via the chain of command, who will forward a copy of the complaint to the Sheriff, take any appropriate action, and/or forward the complaint to the Internal Affairs for further action.

    1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

    2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.

    3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Supervisor or the Sheriff, who will initiate appropriate action.

(c) A supervisor dealing with an accused member shall ensure that the procedural rights of the member are followed pursuant to the collective bargaining agreement, state, and federal law.

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Human Resources Department and the Sheriff for direction regarding his/her role in investigation and/or addressing the complaint.

1010.3 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Office, the member, other members, or the public, a supervisor may temporarily assign the accused member to administrative leave pending completion of the investigation or the filing of administrative charges.

1010.3.1 ADMINISTRATIVE LEAVE

A member placed on administrative leave may be subject to the following guidelines:

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(a) A member placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) A member placed on administrative leave may be required by a supervisor to relinquish any badge, Office identification, assigned weapons, and any other Office equipment.

(c) A member placed on administrative leave may be ordered to refrain from taking any action as a Officemember or in an official capacity. The member shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) A member placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation. The member may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the assigning supervisor to promptly notify the member's Division Supervisor and the Sheriff.

(f) At such time as any member placed on administrative leave is returned to full and regular duty, the member shall be returned to his/her regularly assigned shift with all badges, identification card, and other equipment returned.

1010.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within two months of the date the office becomes aware of the allegation. The Sheriff may extend the period to four months if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Sheriff, generally 30 days before the end of the period, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Sheriff or the authorized designee in writing and a copy provided to the accused member.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved members need not be notified of the pending investigation unless and until the member is interviewed or formally charged.

Upon completion, the report should be forwarded to the Sheriff through the chain of command of the involved member. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify the classification and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Sheriff, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any, that was imposed. The complaining party should also be provided with a copy of his/her original complaint.

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Any complaining party who is not satisfied with the findings may contact the Office or the authorized designee to discuss the matter further.

1010.4.1 WITHDRAWN COMPLAINTS

If the complainant withdraws his/her complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete and assigned an appropriate disposition.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal and assigned an appropriate disposition.

1010.5 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and protected member personnel files. The contents of such files shall not be revealed to anyone other than the involved member or authorized personnel except pursuant to lawful process.

In the event that an accused member, or the representative of such member, knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Office may disclose sufficient information from the member's personnel file to refute such false representations.

All records of investigations shall be securely maintained for no less than the 10 years required by the state records retention schedule and for any additional period required by the organization's records retention schedule.

1010.5.1 SUSTAINED COMPLAINTS

,Before being placed in the member's file, the member will have an opportunity to read and initial the comment or document. If the member submits a written response, the response will be attached to the comment or document.

The member will receive a copy of any comment or document placed in the member's file.

A copy of the disposition of the allegation of misconduct and a copy of the notice or adjudication of any punitive or remedial action will be the only documents related to the investigation which will be placed in the member's file.

If punitive action is taken, the member or a representative authorized by the member may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the office that relates to the investigation, including any recordings, notes, transcripts of interviews, and documents.

Sustained complaints shall be maintained in the member's personnel file for the prescribed period. Complaints that are unfounded, exonerated, or not sustained shall be maintained by the Internal Affairs apart from the member's personnel file, in a file created for this purpose.

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1010.5.2 REMOVAL OF A COMPLAINT

Upon request, a member may review any administrative file that does not relate to a current investigation.

If a member identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the member will write a memorandum specifically asking for the item to be removed and the reasons for removal.

1010.6 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy or of federal, state or local law, policy, or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy or federal, state or local law, policy, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents by the Office.

1010.6.1 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.

(b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.6.2 REPORTING AUTHORITY

The person responsible for the Internal Affairs investigation has the authority to report matters directly to the Sheriff when necessary.

Reports may be in person or written. The person assigned the internal investigation will make weekly or daily updates to the Sheriff, depending on the severity of the allegations or criminal misconduct.

An investigative summary log should be utilized to document the investigation progress and reports made.

1010.7 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1010.8 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Montezuma County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction.

No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.9 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

1010.10 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.11 NOTIFICATION OF POST

The Sheriff or the authorized designee shall notify POST of any sustained findings of use or threatened use of unlawful force or failure to intervene by any deputy currently employed by this office (CRS § 18-1-707; CRS § 24-31-904).

The Sheriff or the authorized designee shall provide information regarding deputy misconduct (e.g., knowingly making an untruthful statement, termination for cause, resignation or retirement

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pending investigation, resignation in lieu of termination for cause, conduct that subjects the deputy to criminal investigation) to the POST Board misconduct database as required (CRS § 24-31-321; 4 CCR 901-1:17; 4 CCR 901-1:32).

The Sheriff shall certify that the information provided to POST is accurate. If the Office determines that an entry was done in error, the Sheriff or the authorized designee should inform POST upon the discovery of the error (CRS § 24-31-321).

1010.11.1 DISCLOSURE OF DOCUMENTS TO POST

Upon request from the POST Board, the Sheriff or the authorized designee shall provide documents relevant to the incident, investigation, or associated discipline to the POST Board (CRS § 24-31-321).

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Seat Belts

1011.1 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.

1011.1.1 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)).

1011.2 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 (CRS § 42-4-236; CRS § 42-4-237).

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.

1011.2.1 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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1011.3 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.4 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.

1011.5 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Montezuma 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.

1012.3 ISSUANCE OF BODY ARMOR

The Administration Division Supervisor or designated equipment inventory manager shall ensure that body armor is issued to all deputies when the deputy begins service at the Montezuma County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration Division Supervisor or designated equipment inventory manager 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.

1012.3.1 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 any time 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.

(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) Use of body armor by Division Supervisors, Undersheriff, and Sheriff is discretionary.

1012.3.2 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

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armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse, and wear.

1012.3.3 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.

1012.4 RANGEMASTER RESPONSIBILITIES

The Certified Firearms Instructor 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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Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs the maintenance, retention, and access to personnel files. It is the policy of the Office to maintain the confidentiality of personnel data in personnel files pursuant to state law CRS § 24-72-204(3)(a)(II)(A)).

1013.2 POLICY

1013.3 DEFINITIONS

Definitions related to this policy include:

Office file - Any file that is maintained in the office of the Sheriff or the authorized designee or by the Human Resources Department as a permanent record of a member's employment with this office.

Division file - Any file that is separately maintained internally by a member's supervisor within an assigned division for the purpose of completing timely performance evaluations.

Internal Affairs file - Any file which contains complaints of member misconduct, and all materials relating to the investigation into such allegations, regardless of disposition.

Medical file - That file which is maintained separately and that exclusively contains material relating to a member's medical history.

Personnel file - Any file, including a Office, Division, supervisor, training, Internal Affairs, or medical file, of a member containing information about the member maintained because of the employer-member relationship (CRS § 24-72-202(4.5)).

Supervisor Review log file - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of a member of this office.

Training file - Any file that documents the training records of a member.

1013.4 OFFICE FILE

The office file shall be maintained as a record of a person’s employment/appointment with this office. The office file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

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(f) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
2. Any member response shall be attached to and retained with the original adverse comment.
3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(i) Personnel files will be retained for seven (7) years after end of employment/ appointment.

1013.5 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1013.6 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms training/qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records, Police One Academy records).

(a) The involved member is responsible for providing the Training Coordinator with evidence of completed training/education in a timely manner.

(b) The Training Coordinator shall ensure that copies of such training records are placed in the member’s training file.

1013.7 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Sheriff. Access to these files may only be approved by the Sheriff.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

(a) Not sustained.

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(b) Unfounded.

(c) Exonerated.

1013.8 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.

(d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1013.9 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Sheriff's Attorney, County Attorney or other attorneys or representatives of the Sheriff in connection with official business.

No member personnel files may be obtained without written authorization by the Sheriff upon the authorization form obtained from the Administrative Division Supervisor that will include the requested purpose for access to any members personnel file, other than the member as provided in this policy. If approved by the Sheriff, the written authorization form will be placed into the members personnel file to document such access for authorized viewing. No photocopies may be made of any portion of a members personnel file without authorization from the Sheriff or written permission from the member.

1013.9.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

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The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.9.2 RELEASE OF PERSONNEL INFORMATION

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1013.9.3 RELEASE OF FILES TO AUTHORIZED AGENCIES

Upon receipt of a valid waiver, the Custodian of Records shall disclose data in the personnel file of a current or former deputy, including internal affairs files, within 21 days to another law enforcement or governmental agency that is interviewing the deputy. Prior to release, the Custodian of Records shall ensure that the information is not subject to a binding nondisclosure agreement. Disclosure may be accomplished by either providing copies of the personnel files or allowing the requesting agency to review the personnel files at the Office (CRS § 24-33.5-115; CRS § 24-35-120; CRS § 30-10-526; CRS § 31-30-108; CRS § 33-9-112).

1013.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

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(f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions, and job assignments or other comments or ratings used for office planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1013.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained for a minimum of five years and in accordance with the established records retention schedule (CRS § 24-34-408).

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.

(c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1013.12 ANNUAL CERTIFICATION VERIFICATION OF PEACE OFFICERS

The Sheriff or the authorized designee shall verify the accuracy of the information listed on the POST records management system associated with POST-certified deputies of the Office to verify there are no disqualifying incidents that prevent the member from being a peace officer. This includes verification that the member has a valid driver's license or state-issued identification card. Certification shall be made annually in the form and manner prescribed by POST (4 CCR 901-1:17).

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Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

It is the intent of the Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1014.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete an Office memorandum requesting a change of assignment. The Office memorandum should then be forwarded through the chain of command to the Division Lieutenant.

1014.3 SUPERVISOR'S COMMENTARY

The deputy's immediate supervisor shall make appropriate comments on the Office memorandum before forwarding it to the involved member'sDivision Lieutenant. In the case of patrol deputies, the Patrol Lieutenant must comment on the request with his/her recommendation before forwarding the request to the Undersheriff.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Montezuma County Sheriff's Office and individuals from the community.

1015.2 POLICY

It is the policy of the Montezuma County Sheriff's 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.

1015.3 COMMENDATIONS

Commendations for members of the Office or for individuals from the community may be initiated by any office member or by any person from the community.

1015.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the member and shall contain the following:

(a) Member name, bureau, and assignment at the date and time of the commendation.

(b) A brief account of the commendable action with report numbers, as appropriate.

(c) Signature of the commending supervisor.

Completed reports should be forwarded to the appropriate Division Lieutenant for review. The Division Lieutenant shall sign and forward the report to the Sheriff for review.

The Sheriff will return the commendation to the member for signature. The report will then be returned to the administrative secretary for entry into the member's personnel file.

1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond the typical duties.

A Distinguished Service may be awarded for an act or action evidencing highly professional conduct, performance, or significant achievement, which may include:

- Exemplary conduct in the face of adversity, or ongoing exemplary performance over the course of service to the Sheriff's Office.
- Through personal initiative, tenacity, and great effort, acts to solve major crime or series of crimes.

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- Through personal initiative and ingenuity, develops, initiates, engages in, or completes an assignment of an extraordinary nature, or develops a program or plan which contributes significantly to the Office objectives or goals.

1015.4.1 OFFICE MEMBER DOCUMENTATION

Members of the Office should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

  (a) For members of the Office - name, division, and assignment at the date and time of the meritorious or commendable act.

  (b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

  (a) For members of the Office - name, division, and assignment at the date and time of the meritorious or commendable act.

  (b) For individuals from the community - name, address, telephone number.

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Division Lieutenant for his/her review. The Division Lieutenant should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Administrative Services secretary for entry into the member’s personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Division Supervisor. The documentation will be signed by the Division Lieutenant and forwarded to the Sheriff for his/her review. An appropriate venue or ceremony to acknowledge the individual’s actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

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1015.5 AWARDS

Awards may be bestowed upon members of the Office and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.
- Distinguished Service.
- Official Commendation

Criteria for each award and the selection, presentation, and display of any award are determined by the Sheriff.

1015.5.1 COMPENSATORY AWARDS

The Office may issue compensatory awards, such as additional time off with pay or additional pay, to recognize exceptional performance by members.

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Fitness for Duty

1016.1 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 deputies of this office remain fit for duty and able to perform their job functions.

1016.2 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.

1016.3 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. The Sheriff shall be promptly notified in the event that any member is relieved from duty.

1016.3.1 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.

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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 Patrol Lieutenant or the member's Division Lieutenant.

1016.3.2 DUTY STATUS

In conjunction with the Patrol Lieutenant or the member's Division Lieutenant, 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 Patrol Lieutenant or the member's Division Lieutenant should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Sheriff shall be promptly notified in the event that any member is relieved of duty.

1016.4 NON-WORK RELATED CONDITIONS

Any member suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1016.5 WORK-RELATED CONDITIONS

Any member suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Division Supervisor and with the concurrence of the Undersheriff and Sheriff, any member whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the member and until such time as the following may be completed:

(a) A preliminary determination that the member's conduct appears to be in compliance with policy and law.

(b) If appropriate, the member has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

The Sheriff or the authorized designee should develop procedures for ongoing support and services for the Office members (CRS 16-2.5-403).

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1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an member is unfit for duty, the Sheriff may serve that member with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resource Director to determine the level of the member's fitness for duty. The order shall indicate the date, time, and place for the examination.

(b) The examining physician or therapist will provide the Office with a report indicating that the member is either fit for duty or, if not, list any functional limitations that limit the member's ability to perform job duties. If the member places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(c) To facilitate the examination of any member, the Office will provide all appropriate documents and available information to assist in the examination, evaluation, and/or treatment.

(d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the member's private medical file.

(e) Any member ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the member to discipline, up to and including termination.

(f) Once a member has been deemed fit for duty by the examining physician or therapist, the member will be notified to resume his/her duties.

(g) If an member is deemed unfit for duty by the Office, the member may submit a report from his/her personal physician, psychiatrist, psychologist, or other healthcare provider that will be taken into consideration.

1016.7 ANNUAL PHYSICAL ASSESSMENT

Every member within the Patrol Division, Detective Division, and Detention Division (excluding Kitchen staff), will be required to successfully complete the approved office annual physical assessment. Each member will be evaluated on a timed physical agility assessment and required to meet the minimum standard. Records will be maintained by the Training Manager. Any member not achieving the minimum standard will be given one week to repeat the physical assessment. If the member still has not achieved the minimum standard timed rating, a remedial physical training program will be provided to assist the member before a third repeat of the physical assessment. Disciplinary action can be taken if a member cannot meet the minimum standard required in the physical assessment, as provided in the Disciplinary Actions and Appeal policy.

1016.8 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

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- 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 unusual 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 any member who has exceeded the above guidelines to off-duty status.

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.

1016.9 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy.

1016.10 POLICY

The Montezuma 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.

1016.11 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1016.11.1 PROCESS

The Sheriff may order the member to undergo a fitness-for-duty evaluation.

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 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 shall be part of the member's confidential medical 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.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made by the Sheriff.

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Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all Sheriff's Office members.

1017.1.1 MEAL PERIODS

Certified members shall remain on duty subject to call during meal breaks. All other members are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed deputies shall request clearance from the Dispatch Center prior to taking a meal period. Uniformed deputies shall take their breaks within the County limits and shall monitor their radios unless on assignment outside of the County.

No more than two uniformed deputies should take a meal at the same location.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the sheriff's facility shall remain in the sheriff's facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Field deputies will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Dispatch Center.

Meal breaks should be limited to no longer than 30 minutes.

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Lactation Breaks

1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members.

1018.2 POLICY

It is the policy of the Montezuma 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).

1018.3 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.

1018.4 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.

1018.5 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 Records

1019.1 PURPOSE AND SCOPE

Payroll records are entered into the Montezuma County iSolved timecard record system and submitted to the designated Division Supervisor on a bi-weekly basis for the payment of wages.

1019.2 POLICY

The Montezuma County Sheriff's Office maintains timely and accurate payroll records.

1019.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages. Members are encouraged to enter their work time into the Montezuma County iSolved timecard record system on a daily or weekly basis, but no later than the end of shift on every Saturday. Failure to enter accurate and complete work time may result in not receiving proper pay for that reporting period, and can only be resolved through reporting work time errors to the members immediate supervisor,the Sheriff, and the Montezuma County Payroll Department.

Supervisors are responsible for approving the payroll records for those under their commands.

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Overtime Compensation Requests

1020.1 PURPOSE AND SCOPE

It is the policy of the Office to compensate nonexempt salaried members who work authorized overtime either by payment of wages as time plus one-half at the hourly member salary rate. In order to qualify, the member must accurately complete their timesheet and submit as soon as practicable after overtime is worked, but no longer than the last day of the work week.

1020.1.1 POLICY

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 members 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.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the member by flexing a subsequent shift schedule to compensate for the time worked, rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the member to complete a request for such a period, the member shall comply.

1020.2 ACCOUNTING FOR OVERTIME WORKED

Members are to record the actual time worked in an overtime status. In some cases, a minimum number of hours will be paid, (e.g., minimum two hours for court). The member will enter the actual time worked, and will be verified by the supervisor.

This policy is intended to align our Administrative Division and Administrative Assistants in other assigned divisions with the rest of Montezuma County members. Overtime can be paid after a full-time administrative assistant and detention division kitchen staff member has accrued 40 hours worked in a week, during a 28-day work period.

Law Enforcement personnel as defined by the U.S. Department of Labor, Fair Labor and Standards Act (FLSA), are members who are empowered by State law or local ordinance to enforce laws designed to maintain peace and order, protect life and property, and to prevent and detect crimes; who have the power to arrest; and who have undergone training in law enforcement.

Section 7(k) of the FLSA provides that members engaged in law enforcement may be paid overtime on a "work period" basis of 28 consecutive days. Overtime pay/compensatory time is required when the number of hours worked exceeds the number of hours that bears the same relationship to 160 hours (effective July 22, 2019) as the number of days in the 28-day work period. Montezuma County Sheriff's Office law enforcement personnel, which include all patrol division, detective division and detention division deputies, are due overtime compensation after 160 hours worked in a 28-day work period, effective July 22, 2019.

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Any overtime requires division supervisor or on-call administrative supervisor approval after 1 hour. Failure to obtain authorized supervisory approval is grounds for denial of overtime. This procedure will streamline the office overtime pay processes and include accountability for an overall reduction of paid overtime.

Detention Deputies assigned as shift supervisors or officer in charge (OIC) will be compensated at $1.00 per hour. Patrol and Detention Deputies who are assigned a recruit and actually performing field training officer duties will be compensated $40.00 per week, whether scheduled a four or five days work week. Patrol and Detention Deputies performing field training officer duties for the scheduled week are not allowed to also claim OIC compensation or overtime compensation. Recruits during the FTO training phase are not compensated for overtime unless called into work during a disaster or emergency situation approved by the Sheriff.

1020.2.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up or down to the nearest half hour as indicated by the following chart: (Example - 1-15 minutes is rounded back to the hour; 16-30 minutes is rounded up to the half hours; 31-45 minutes is rounded back to the half hour; and 46-60 is rounded up to the hour.

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	0
16 to 30 minutes	.50 hour
31 to 45 minutes	.50 hour
46 to 60 minutes	1.0 hour

1020.2.2 VARIATION IN TIME REPORTED

Where two or more members are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Patrol Lieutenant or other approving supervisor may require each member to include the reason for the variation on the reported overtime payment request.

1020.3 ON CALL STATUS COMPENSATION

Detention Deputies that are in on-call status for Transports and Jail coverage will be compensated at $50.00 a week (seven days), or $10.00 per day. Detectives will be compensated $50.00 for the week (seven days), or $10.00 per day that they are in on-call status.

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Outside or Secondary Employment

1021.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Officemembers engaging in outside employment, all members shall initially obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Outside-Secondary employment - The employment of any member of this office who receives wages, compensation, or other consideration of value from another employer, organization, or individual not affiliated directly with this office for services, products, or benefits rendered. For purposes of this section, the definition of outside employment includes those members who are self-employed and not affiliated directly with this office for services, products, or benefits rendered.

1021.2 OBTAINING APPROVAL

No member of this office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the member must complete an Office Memorandum that shall be submitted to the member's immediate supervisor. The Office Memorandum requesting outside or secondary employment should contain a full description of such job or work duties, the employer, and location of the employment. The Office Memorandum will then be forwarded through the appropriate chain of command to the Sheriff for consideration. See attachment: Secondary Employment Memo Blank.pdf

If approved, the member will be provided with a copy of the approved Office Memorandum. Unless otherwise indicated in writing, an approved outside or secondary employment Office Memorandum will be valid through the end of the calendar year in which it is approved. Any member seeking to continue outside or secondary employment shall submit a new Office Memorandum in a timely manner.

Any member seeking approval of outside or secondary employment whose application has been denied shall be provided with a written reason for the denial of the written request at the time of the denial and within 30 days of the written request.

1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If a member's written request for outside-secondary employment is denied or rescinded by the Office, the member may file a written notice of appeal to the Sheriff within 10 days of the date of denial.

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If the member's appeal is denied, the member may file a grievance pursuant to the Grievance Policy.

1021.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment may be revoked or suspended after the member has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the member has exhausted the appeal process.

The outside employment may be revoked:

(a) If a member's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the member's performance. The Sheriff may, at his/her discretion, notify the member of the intent to revoke any previously approved outside employment request. After the appeal process has concluded, the revocation will remain in force until the member's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved outside employment, a member's conduct or outside employment conflicts with the provisions of Office policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Office or County.

1021.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any written request submitted by a member seeking to engage in any activity that:

(a) Involves the member's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige, or influence for private gain or advantage.

(b) Involves the member's receipt or acceptance of any money or other consideration from anyone other than this office for the performance of an act that the member, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the member's duties as a member of this office.

(c) Involves the performance of an act in other than the member's capacity as a member of this office that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other member of this office.

(d) Involves time demands that would render performance of the member's duties for this office below minimum standards or would render the member unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(e) Conflicts or is prohibited by law or this Office policy.

(f) Such outside employment would require the member to distribute or sell any alcoholic beverage.

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(g) Such outside employment would involve employment with any aspect of the marijuana industry.

1021.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this office may engage in any outside or secondary employment as a private security guard, private investigator, or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this office must submit a written request to the Sheriff in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will be required to provide for the compensation and full benefits of all members requested for such outside security services.

(c) If such a request is approved, any member working outside overtime shall be subject to the following conditions:

1. The deputy shall wear the Office uniform/identification.
2. The deputy shall be subject to all the rules and regulations of this office.
3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
6. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any member making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Detective Division Lieutenant, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

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1021.4 USE OF OFFICE RESOURCES

Members are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside employment, unless specifically authorized by the Undersheriff or Sheriff. This shall include the prohibition of access to official records or databases of this office or other agencies through the use of the member's position with this office.

1021.4.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Office may request that a member provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the member to provide the requested personal financial records could result in revocation of the outside employment application. If, after approving a request for an outside employment position, the Office becomes concerned that a conflict of interest exists based on a financial reason, the Office may request that the member provide his/her personal financial records for review/audit. If the member elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If a member terminates his/her outside employment during the period of an approved application, the member shall promptly submit written notification of such termination to the Sheriff through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Members shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Members who are uncertain whether a change in outside employment is material shall report the change.

1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Sheriff whether such outside employment should continue or the approved application be suspended or revoked.

In the event the Sheriff determines that the outside employment should be discontinued or if the member fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the member's application will be forwarded to the involved member and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

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Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the County's professional medical advisers.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The member's failure to make timely notice of his/her intentions to his/her supervisor.

(d) The outside employment is not compatible with the reason the member is on administrative leave.

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On-Duty Injuries

1022.1 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 member.

1022.1.1 DEFINITIONS

Definitions related to this policy include (CRS § 8-40-201):

Accident - Any unforeseen event occurring without the will or design of the member whose mere act caused it. An accident or injury includes disability or death resulting from accident or occupational disease.

Occupational disease - Any disease resulting directly from employment or work conditions that is a natural incident of the work and a result of the exposure occasioned, and that can be fairly traced to the employment as a proximate cause and not from a hazard to which the member would have been equally exposed outside of his/her employment.

1022.2 POLICY

The Montezuma County Sheriff's Office will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (CRS § 8-43-101 et seq.).

1022.3 RESPONSIBILITIES

1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours to a supervisor, and shall seek medical care when appropriate.

1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related County-wide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

If a member is physically or mentally unable to provide notice of an occupational disease or work-related injury, his/her supervisor shall report such disease or injury in writing as soon as practicable (CRS § 8-43-102).

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1022.3.3 DIVISION LIEUTENANT RESPONSIBILITIES

The Division Lieutenant who receives a report of an occupational disease or work-related injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administration Division Supervisor.

1022.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

The Sheriff or the authorized designee shall ensure that a printed card notifying members of their responsibility to report a workplace injury is displayed at all times in a prominent place in the workplace pursuant to CRS § 8-43-102.

1022.4 OTHER DISEASE OR INJURY

Diseases, injuries or deaths caused or occurring on duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Lieutenant through the chain of command and a copy sent to the Administration Division Supervisor.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1022.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company, or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1022.5.1 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 occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such 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 disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, members shall maintain their personal hygiene and appearance to project a professional image appropriate for this office and for their assignment.

1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all members, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male certified deputies, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female deputies, hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch when the member is standing erect, and worn up or in a tightly wrapped braid or ponytail.

1023.2.2 MUSTACHES

Effective May 1, 2019, a neatly trimmed mustache with no other facial hair as allowed in 1023.3, may be worn, with hair no longer than 1/2 inch and/or not below the upper lip of the mouth.

1023.2.3 SIDEBURNS

Effective May 1, 2019, sideburns alone with no other facial hair as allowed in 1023.3, may be worn and shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat, with hair no longer than 1/2 inch in length.

1023.2.4 FACIAL HAIR

Effective May 1, 2019, facial hair other than mustaches and sideburns as provided in this policy, may include a beard that is neatly trimmed with hair no longer than 1/2 inch in length and hair growth that does not extend further than 3 inches below the chin onto the neck, or a goatee that is neatly trimmed with hair no longer than 1/2 inch in length.

1023.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1023.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety

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concern for the office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1023.3 TATTOOS

While on-duty or representing the Montezuma County Sheriff's Office in any official capacity, members should make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification

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Sheriff Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform policy of the Montezuma County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel and non-swornmembers will be readily identifiable to the public through the proper use and wearing of Office uniforms. Members should also refer to the following associated policies:

- Duty Firearms Policy.
- Office-Owned and Personal Property Policy.
- Body Armor Policy.
- Personal Appearance Standards Policy.

The Montezuma County Sheriff's Office uniform specifications and procedures are maintained and periodically updated by the Sheriff or the authorized designee and should be consulted regarding authorized equipment and uniform specifications.

The Montezuma County Sheriff's Office will provide uniforms for all members who are required to wear them in the manner, quantity, and frequency.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Peace Officers wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this office shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Members shall not loan any portion of the uniform to others.

(e) Members shall not permit the uniform to be reproduced or duplicated.

(f) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications and procedures, which are maintained separately from this policy.

(g) All supervisors will perform periodic inspections of their personnel to ensure conformance to the Montezuma County Sheriff's Office uniform specifications and procedures.

(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform, except when authorized by the Sheriff.

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(i) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Office functions or events.

(j) If the uniform is worn in transit when driving other than a marked Sheriff vehicle or authorized unmarked Sheriff vehicle, an outer garment should be worn over the uniform shirt so as not to bring attention to the member while off duty.

(k) Members are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.

(l) Mirrored sunglasses will not be worn with any Office uniform.

(m) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Sheriff or the authorized designee.

1. Wrist watch.
2. Wedding rings, class ring, or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.
4. Memorial or Mourning wrist band or bracelet.

1024.2.1 SHERIFF'S OFFICE-ISSUED IDENTIFICATION

The Office issues each member an official Office identification card bearing the member's name, identifying information, and photo likeness. All members shall be in possession of their office-issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the Office, members shall display their office-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Deputies working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Lieutenant.

1024.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1024.3.1 CLASS A UNIFORM-SPECIAL OCCASSIONS

The Class A uniform is to be worn on special occasions, such as funerals, graduations, promotions, ceremonies, or as directed. The Class A uniform is required for all certified deputies. The Class A uniform includes the standard issue uniform with the following:

(a) Long sleeve shirt with tie.

(b) Polished Office-approved shoes or boots, black in color.

(c) Brown uniform pants with Green stripe.

The campaign hat will be worn. Boots with pointed toes are not permitted.

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1024.3.2 CLASS A2 UNIFORM-GENERAL DUTY

The Class A2 uniform for general on-duty assignment will consist of the same garments and equipment as the Class A uniform for special occasions with the following exceptions:

(a) The 5.11 brand Flex-Tac Stryke, Stone in color pants will replace the Brown in color with Green Stripe (Class A Uniform pants).

(b) The long or short-sleeve shirt may be worn with the collar open. No tie is required.

(c) The long-sleeve uniform shirt will be worn during the months of November through February.

(d) The short-sleeve uniform shirt will be worn during the months of May through August.

(e) Either long-sleeve or short-sleeve uniform shirts may be worn during the months of March, April, September, and October.

(f) A black crew neck undershirt must be worn with the uniform.

(g) All shirt buttons must remain buttoned except for the last button at the neck.

(h) Polished approved boots or shoes, all-black.

(i) Boots with pointed toes are not permitted.

(j) The campaign hat may be worn.

(k) Only the approved Stetson western hat may be worn with no hat pins, hat bands, straps, or any other accessories attached.

1024.3.3 CLASS B AND C UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times. The Class B and Class C uniform may be established to allow field and office personnel appropriate clothing for daily wear or for special duty assignments. The Sheriff will establish the regulations and conditions for wearing the Class B and Class C uniform and its specifications.

1024.3.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units, such as Canine Team, SRT, bicycle patrol, mounted patrol, and other specialized assignments.

1024.3.5 FOUL WEATHER GEAR

The uniform and equipment specifications manual lists the authorized uniform jacket and rain gear.

1024.4 INSIGNIA AND PATCHES

(a) The authorized shoulder patch supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4 of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stripes and other indicators for length of service may be worn on long-sleeve shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn 1 1/2 inches above the cuff seam with the rear of the service

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stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the member's first initial, middle initial, and last name. If a member's last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment insignias, (e.g.,, FTO, SRT, DRE, or similar) may be worn as designated by the Sheriff.

(f) Authorized award ribbons will be worn above the name plate and below the flag pin with 1/8 inch space between.

(g) An American flag pin will be worn, centered above the nameplate, except as described in 1024.4 (f) above.

(h) Pilot wings or any other special designated insignia will be centered and attached above the flag pin, when authorized by the Sheriff.

(i) The office-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Certified non-uniformed personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(j) The designated insignia indicating the member's rank must be worn at all times while in uniform.

1024.4.1 MOURNING BADGE BAND

Uniformed members may wear an approved black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty, or loss of a member while not on-duty. The black mourning band will be placed across the front of the badge from the upper right and down across the front to the lower left badge point.

The following mourning periods will be observed:

(a) A deputy of this office - From the time of death until midnight on the 14th day after the death.

(b) A peace officer from this state - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen peace officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Sheriff.

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1024.5 CIVILIAN ATTIRE

There are assignments within the Office that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All members shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks, or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits that are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.
3. Swimsuit, tube tops, or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons, or pins.
6. Denim pants that show signs of wear.
7. Shorts.
8. Sweatshirts, sweatpants, or similar exercise clothing.

(e) Variations from this order are allowed at the discretion of the Sheriff or the authorized designee when the member's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Montezuma County Sheriff's Office or the morale of the members.

(g) Certified members carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS, OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff, Montezuma County Sheriff's Office members may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a office badge, patch, or other official insignia, or cause to be posted, published, or displayed, the image of another member, or identify him/herself as an member of the Montezuma County Sheriff's Office 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.

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(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, photo, website, or any other visual depiction.

1024.7 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Montezuma County Sheriff's Office members may not wear any uniform item, accessory, or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff.

Montezuma County Sheriff's Office members may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff.

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Sheriff's Cadets and Explorers

1025.1 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.

1025.2 EDUCATION REQUIREMENTS

Cadets and explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester credits of college course work per semester and senior cadets shall complete 12 credits per semester.

1025.3 PROGRAM COORDINATOR

The Training Manager will serve as the 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, status for compensation, school attendance, and performance evaluations.

1025.3.1 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.

1025.4 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.

1025.5 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 non-swornmembers.

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1025.6 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 Training Manager.

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.

1025.7 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 Patrol Lieutenant. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating in a ride-along.

1025.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets and explorers shall be completed monthly during their first year. After the first year, 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

1026.1 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.

1026.1.1 DEFINITIONS

Definitions related to this policy include:

Relative - A member'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 a member, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture, or other transaction where the member'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 a member's action, inaction, or decisions are or may be influenced by the member's personal or business relationship.

Supervisor - A member who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate member.

Subordinate - A member who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Office will not prohibit personal or business relationships between members, the following restrictions apply:

(a) Members are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other member 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 member to an uninvolved supervisor.

2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing members in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any member to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

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(b) Members are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting a member 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 member they are assigned to train until such time as the training has been successfully completed and the member 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, members 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.

1026.2.1 MEMBER RESPONSIBILITIES

All members are required to adhere to state guidelines and to disclose of conflicts of interest as required by law (Colorado Constitution Article XXIX, CRS § 18-8-308, CRS § 24-18-104 and CRS § 24-18-105).

Prior to entering into any personal or business relationship or other circumstance that the member knows or reasonably should know could create a conflict of interest or other violation of this policy, the member shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any member is placed in circumstances that would require the member to take enforcement action or provide other official information or services to any relative or other individual with whom the member is involved in a personal or business relationship, the member shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the member shall promptly notify the Dispatch Center to have another uninvolved member either relieve the involved member or minimally remain present to witness the action.

1026.2.2 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 the Undersheriff and Sheriff of such actual or potential violations through the chain of command.

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Office Badges

1027.1 PURPOSE AND SCOPE

A Montezuma County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Montezuma County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

1027.2 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 by this office shall be displayed, carried, or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1027.2.1 FLAT BADGE

Certified deputies, with the approval of the Sheriff, may be issued 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) 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 Policy.

(b) An honorably retired deputy may keep his/her flat badge upon retirement.

(c) The purchase, carrying, or display of a flat badge is not authorized for non-sworn personnel.

1027.2.2 CIVILIAN NON-SWORN PERSONNEL

Office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned member (e.g. Non-Certified Deputy).

(a) Non-sworn personnel shall not display any Office cloth badge except as a part of his/her uniform and while on duty or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any Office cloth badge or represent him/herself, on or off duty, in such a manner that would cause a reasonable person to believe that he/she is a certified deputy.

1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement members 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.

1027.3 UNAUTHORIZED USE

Except as required for on-duty use by current members, 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.

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Office Badges

Office badges are issued to all certified members and non-sworn uniformed members for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications, such as electronic mail or websites and web pages.

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.

Members shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Speech, Expression, and Social Networking

1028.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Montezuma County Sheriff's Office.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1028.2 DEFINITIONS

Electronic Communications - Electronic communications include any communications, statements, postings, comments, or images that may be disseminated, sent, or received utilizing any electronic device, including a desktop computer, laptop, iPad or tablet, cell phone, smart phone, or any other electronic device capable of electronic communications.

Social Networking - Social networking is an example of electronic communication. Social networking involves social network sites that use Internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design may vary from site to site. Examples of the types of Internet-based social networking sites include: blogs, networking sites, photo sharing, video sharing, micro-blogging, podcasts, accessing chat rooms of any type, and any electronic communications posted on any such sites including Facebook, YouTube, Twitter, etc. The absence of, or lack of explicit reference to a specific site does not limit the extent of the application of this policy.

1028.3 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Montezuma County Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this office be subject to certain reasonable limitations on their

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speech and expression. To achieve its mission and efficiently provide service to the public, the Office will carefully balance the individual member's rights against the needs and interests of the Office when exercising a reasonable degree of control over its members' speech and expression.

1028.4 SAFETY

Members 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 Montezuma County Sheriff's Office members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member'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 office member.
- Otherwise disclosing where another deputy can be located off-duty.

1028.5 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Montezuma County Sheriff's Office, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, 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 Office or its members.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation, or professionalism of the Office or its members. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
2. Expression that demonstrates support for criminal activity
3. Participation 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 member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, 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 members of the Office (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are

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made could reasonably be foreseen as potentially jeopardizing members 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 Office.

(f) Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Office for financial or personal gain, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting, or disseminating any photographs, digital media or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Montezuma County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1028.5.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Montezuma County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Office in order to do any of the following, unless specifically authorized by the Sheriff:

(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, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this office, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Montezuma County Sheriff's Office.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend,

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or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1028.5.2 CIVIL LIABILITY

Members should consider that they may be subject to civil litigation for:

(a) Publishing or posting false information that harms the reputation of another person, group or organization.

(b) Publishing or posting private facts and personal information about someone that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person.

(c) Using someone else's name, likeness or other personal attributes without that person's permission or for an exploitative purpose.

(d) Publishing the creative work of another, trademarks or certain confidential information without the permission of the owner.

1028.5.3 CONFIDENTIAL AND LAW ENFORCEMENT SENSITIVE INFORMATION

Members are to take proper care not to purposefully or inadvertently disclose any information that is confidential or law enforcement sensitive.

Members are required to consult the other policies concerning what constitutes confidential or law enforcement sensitive information.

Members are to honor the privacy rights of their fellow members, past or present, by seeking their permission before writing about or displaying internal agency activities that might be considered to be a breach of privacy and confidentiality.

1028.6 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any office technology system (see the Information Technology Use Policy for additional guidance).

1028.6.1 OTHER PRIVACY CONSIDERATIONS

Members should consider that privacy protection varies among social media sites and personal information posted on such sites may not be protected.

1028.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or the 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.

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(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 their 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.

1028.8 TRAINING

Subject to available resources, the Office should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Office.

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Office Review Board Policy

1029.1 PURPOSE AND SCOPE

A Sheriff's Review Board has been adopted by the Montezuma County Sheriff's Office to provide the Office with review and advice on issues concerning sheriff's deputies.

1029.2 APPOINTMENT OF REVIEW PANEL

Board members are required to be appointed and trained. Once appointed and trained, the Sheriff may, at his/her discretion, empanel by random selection from members of the review board a review panel of the required size. One of the members shall be assigned as the chairperson.

1029.2.1 REVIEW PANEL DUTIES

Review panels have specific duties and responsibilities, including that the panel:

(a) May refer a complaint against a deputy to the Office.

(b) May review an internal investigation of a deputy and make recommendations regarding any disciplinary action against the deputy.

(c) Shall be provided any personnel file or other material necessary for the panel to conduct a review.

(d) Shall provide a deputy who is the subject of a review with reasonable notice and an opportunity to be heard.

(e) Shall provide a report from the chairperson of the findings and recommendation of the panel regarding disciplinary action to the Sheriff.

1029.3 PROCEEDINGS

Proceedings of the review panel are closed to the public, as allowed by law.

1029.4 REVIEW PANEL RECORDS

The findings and recommendations of a review panel are public records, unless otherwise declared confidential by state or federal law, and shall be retained in compliance with the organization's records retention schedule.

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Disciplinary Action and Appeals

1030.1 PURPOSE AND SCOPE

The purpose of this policy is to establish fair and lawful procedures for disciplinary action resulting in violations of policy, rules, or procedures created for the professional standards of the Montezuma County Sheriff's Office.

1030.2 DEFINITIONS

Administrative leave - Leave with pay.

FTE: Full Time Equivalent salaried member, with benefits.

Hourly member -A member hired to work 29 or fewer hours per week and who does not receive all of the same benefits received by an FTE.

Member- Any person hired for a Full Time Equivalent (FTE), including 1.0 (100%) FTE, part-time (less than 100%) FTE or job share FTE, and any person hired as a term, temporary or hourly member, or as a volunteer for the Sheriff’s Office.

Pre-disciplinary hearing - A formal segment of the disciplinary process that provides a forum for the supervisor and member to have a discussion regarding the circumstances that were the catalyst to the initiation of the disciplinary process while also giving the member an opportunity to plead their case and provide information that explains or mitigates their conduct, performance, behavior, etc. It is conducted prior to the imposing of any type of discipline action when the contemplated discipline is a letter of reprimand or higher.

Probationary member -A member within the first 12 months of continuous Sheriff’s Office employment during which time his or her suitability for a regular position is evaluated.

Suspension - Disciplinary action resulting in time off without pay.

Term member -A member hired for a limited, specified period of time.

Temporary member -A member hired for a limited period of time.

Volunteer - An individual who chooses to perform a function within the Sheriff’s Office without monetary compensation.

1030.3 POLICY

It is the policy of the Montezuma County Sheriff's Office to correct inappropriate behavior or unsatisfactory performance of members through reasonable and appropriate disciplinary actions when necessary to ensure the effectiveness of the Sheriff’s Office and to maintain the public's trust.

The Sheriff’s Office may invoke disciplinary sanctions for violations of law, rule, policy, and procedure, or for actions, or failures to act, that are in conflict with the Sheriff’s Office's mission, goals, values and management principles. In addition, disciplinary sanctions may be imposed for acts or omissions that contribute to the lack of good order and discipline of the Sheriff’s Office.

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When administering discipline, supervisors are to consider all available information, including but not limited to: the nature and circumstances of the situation, aggravating factors, mitigating factors, past violations, and work history.

All members are subject to the provisions of the policy, with the exception of the following:

- Probationary Employees
- Term Employees
- Temporary Employees
- Volunteers, Reserves and Explorers

Members in any of the above categories may be disciplined, dismissed, or have their conditional offer of employment withdrawn, without cause or prior notice upon the review and approval of their Division Supervisor or the Sheriff. These members will be so notified at the time of hire.

1030.4 GROUNDS FOR DISCIPLINE OR DISMISSAL

A member may be disciplined or dismissed for violations of the Montezuma County Sheriff’s Office policy 320, Standards of Conduct, in this Sheriff’s Office policy manual.

1030.5 STANDARD ORDER OF DICIPLINE

A supervisor administers corrective action in a manner that gives a member the opportunity to improve or correct performance or conduct prior to dismissal, except in circumstances where the type of misconduct requires more serious and/or immediate disciplinary action.

1030.6 ADMINISTRATIVE LEAVE PENDING INVESTIGATION OF CHARGES

Any supervisor in the member's chain-of-command is authorized to place a subordinate on administrative leave pending review by the members Division Supervisor, when:

(a) It is determined to be in the best interest of the member, the Sheriff’s Office, or the public.

(b) The member is emotionally unfit for duty.

(c) The member is believed to be under the influence of intoxicants or drugs.

(d) The member was involved in a significant law enforcement action and is the subject of an investigation as to the appropriateness of his or her conduct in that action, i.e. officer involved shooting, pursuit ending in death or serious injury to suspect(s), etc.

The Division Supervisor consults with the Undersheriff or Sheriff regarding the purpose and duration of the administrative leave. The Undersheriff ensures that appropriate notifications are made to County Human Resources and the County Attorney of the member's status.

There is no appeal of the administrative leave beyond requesting that the Division Supervisor reduce or rescind the administrative leave.

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1030.7 DICPLINARY ACTION

A disciplinary action that is an oral or written reprimand, suspension, demotion, reassignment, or termination may be imposed on a member when necessary in response to unsatisfactory work performance or inappropriate work behavior or conduct.

Prior to taking disciplinary action the supervisor contemplating the action works through his/her chain-of-command and confers with the Division Supervisor. The Division Supervisor decides if the responsibility for determining and imposing discipline remains with the supervisor or if it is to be handled by the Division Supervisor.

First-line supervisors and Division Supervisors are authorized to give a member an oral or written reprimand when necessary to discipline the member for unsatisfactory work performance or behavior.

The Undersheriff is authorized to give a member an oral or written reprimand and/or suspension and can recommend demotion or termination in response to a member's unsatisfactory work performance, behavior, or conduct.

(a) The Undersheriff is the only supervisor in the member's chain-of-command authorized to impose a suspension of one to three days.

(b) All suspensions will be reviewed by the Sheriff.

The member's Division Supervisor and/or Undersheriff is authorized to reassign a member within their own division as a disciplinary action when the reassignment is deemed to be in the best interests of the Sheriff’s Office.

(a) Reassignment to another division/section within the Sheriff’s Office requires the approval of the Sheriff.

1030.8 PRE-DISCIPLINARY HEARING

Before imposing any type of disciplinary action, other than an oral reprimand, the supervisor who is responsible for taking the action is required to conduct a pre-disciplinary hearing with the member in the following manner.

(a) The supervisor prepares a letter stating the grounds on which the disciplinary action is based and the discipline contemplated.

(b) The letter is provided to the member prior to a pre-disciplinary hearing. The exact discipline is determined only after the member has had an opportunity to reply to the charges, and present mitigating information.

(a) (a) Supervisors are required to provide members with a minimum of 24 hours’ notice of a pre-disciplinary hearing.

(b) The written notification is to include the nature of the charge against the member and a description of the possible disciplinary actions.

(c) Members do not have a right to have witnesses present at the pre-disciplinary hearing, but may present written statements from any witnesses.

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(d) The member may request that his or her attorney be present during the hearing. The member's Division Supervisor or the Undersheriff decides who is permitted to attend the pre-disciplinary hearing besides the supervisor and member.

(e) The member's responses to the allegations are to be factored into the final decision of the type of discipline or corrective actions to be taken by the supervisor.

(f) The member may waive the hearing or decline to attend.

(g) When the hearing is waived, or the member does not attend the hearing, it is presumed that the information possessed by the supervisor is sufficient to take appropriate disciplinary action.

After the pre-disciplinary hearing and a review of the member's response to the charges, the supervisor provides the member with a final written disciplinary action letter/memo that provides justification for the decision and a description of the disciplinary or corrective actions.

It is the responsibility of the supervisor to ensure copies of all related reports are forwarded via the chain of command to the Division Supervisor, the Undersheriff, and Sheriff.

1030.9 APPEAL PROCESS

A member has the right to appeal any disciplinary action other than an oral reprimand. The appeal is to the Undersheriff. The appeal is in writing and is provided to the Undersheriff within seven calendar days of the date of the discipline.

(a) When the disciplinary action is initiated by the Undersheriff the appeal is to the Sheriff.

Written appeals are to state the reasons why the discipline should be reversed. The appeal is considered when it is based on one of the following:

(a) Information or evidence that tends to mitigate or exonerate the member of the allegations was not considered by the supervisor taking the disciplinary action.

(b) There is new evidence that substantially changes the facts of the case.

(c) The finding was not objectively reasonable in light of the facts of the case.

(d) The sanctions to be imposed are overly harsh in light of previous disciplinary action taken for similar types of misconduct.

(e) The disciplinary action taken did not comply with Sheriff’s Office policy.

The imposed disciplinary action is to be held in abeyance until after the appeal date has expired, or until the member indicates he or she does not intend to appeal, or until the Undersheriff makes a ruling on the appeal.

The Undersheriff reviews the appeal within seven calendar days of receipt, and renders one of the following:

(a) The Undersheriff denies or affirms the appeal, in full or in part, and upholds the disciplinary or corrective actions imposed by the supervisor, modifies them, or vacates them entirely.

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(b) The Undersheriff then forwards his or her findings to the member, the member's supervisor, the member's Division Supervisor and the Sheriff.

There is no further appeal from the findings of the Undersheriff.

1030.10 TERMINATION OR DEMOTION ONLY IMPOSED BY THE SHERIFF

A Sheriff's Office member cannot be demoted or terminated by anyone other than the Sheriff.

> C.R.S. 30-10-506 - Deputies - Each sheriff may appoint as many deputies as the sheriff may think proper and may revoke such appointments at will; except that a sheriff shall adopt personnel policies, including policies for the review of revocation of appointments. Before revoking an appointment of a deputy, the sheriff shall notify the deputy of the reason for the proposed revocation and shall give the deputy an opportunity to be heard by the sheriff. Persons may also be deputized by the sheriff or undersheriff in writing to do particular acts.

The process for demoting or terminating a member is initiated when the member's Division Supervisor and/or the Undersheriff conducts a pre-disciplinary hearing in accordance with this policy and determines that termination, demotion, revocation, or transfer is the appropriate disciplinary action in light of the member's conduct or performance and recommends one or the other to the Sheriff.

(a) The Undersheriff provides the member and the Sheriff with a letter describing the reasons for the transfer, demotion, revocation or termination recommendation.

The Sheriff notifies the member in writing of the recommendation and schedules a hearing. The member receives a minimum of 24-hours' notice of the hearing.

During the hearing with the Sheriff, the member is given the opportunity to reply to the charges or revocation of appointment, and present mitigating information. The Sheriff may allow or request others to be present.

The Sheriff decides on a course of action that may include, but is not limited to, the following:

(a) Dismiss the member.

(b) Demote or reassign the member.

(c) Impose lesser disciplinary sanctions.

(d) Exonerate the member of any wrong doing.

(e) Take any other action deemed appropriate including directing that additional investigation be conducted.

The Sheriff notifies the member in writing of the findings, the action taken, the grounds for such action, and if appropriate, the particular facts upon which the decision was based. This notification is made within seven days of the end of the hearing.

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1030.11 APPEAL OF DISCIPLINARY ACTION BY THE SHERIFF

Appeals of disciplinary action imposed by the Sheriff are made in writing to the Sheriff within seven days of receipt of notice of the disciplinary action. Grounds for appeal are limited to the same as those listed in this Policy.

The Sheriff reviews the appeal and makes a final ruling as soon as practical after receipt.

There is no further appeal of the Sheriff’s decision.

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Annual, Holiday, and Military Leave

1031.1 PURPOSE AND SCOPE

Members of this office are provided with holiday and vacation leave benefits that gives them continued compensation during times of absence from scheduled work hours. The number of hours available is detailed in the county employee's respective personnel manual. Active military reserve or national guard employees are entitled to additional unpaid leave for active or inactive duty training.

1031.2 ANNUAL LEAVE

All full-time members accrue vacation time as outlined in the Montezuma County Employee Handbook, in the following manner based upon the member's full-time date of hire, with 8 hours equaling one day:

1 - 5 years = 1 day per month

6 - 10 years = 1.25 days per month

11 - 15 years = 1.5 days per month

16 - 20 years = 1.75 days per month

21 - 24 years = 2 days per month

25 years plus = 2.5 days per month

Members shall not accumulate more than the following amount of vacation time, and cannot be rolled over to the following year:

1 - 5 years maximum 20 days

6 - 10 years maximum 25 days

11 - 15 years maximum 30 days

16 - 20 years maximum 35 days

21 - 24 years maximum 40 days

25 years plus maximum 45 days

Holidays are not counted against vacation leave even if the holiday falls within the vacation period taken by the member. Annual leave is scheduled in each Division by the member annually, prior to the month of January, utilizing a vacation schedule set by seniority with first, second, and third choice rotation options. Members will have access to the vacation schedule for no more than 3 days (72 hours) to indicate their choice dates, and then it will rotate to the next member in seniority.

1031.3 HOLIDAY LEAVE

Holidays as declared by the Board of County Commissioners will be observed by Montezuma County and granted to full-time members with pay. Holidays are 8-hour days. Part-time and

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temporary members are not eligible for holiday time. Holidays are not counted as time worked in a 40-hour week for the purpose of computing weekly overtime. Any of the recognized holidays occurring on Saturday are observed on the previous Friday. Holidays occurring on Sunday are observed on the following Monday. A schedule of observed holidays for Montezuma County are posted for the calendar year beginning January 1 through December 31. Montezuma County holidays observed are as follows:

New Year's Day

Martin Luther King Jr. Day

Presidents' Day

Memorial Day

Independence Day

Labor Day

Indigenous Day

Veteran's Day

Thanksgiving

Christmas Day

Effective January 1, 2020, holidays will be paid to members who are scheduled by Division supervisors during the calendar year to work any of the above listed holidays, and will log in their timesheet an 8 hour holiday in addition to their scheduled work hours and receive an additional 8 hours of straight time pay. ALL OTHER members who are NOT scheduled to work should include an 8 hour holiday time to be paid during that reporting period. Members must add a note in the holiday block of the timesheet giving the financial budget code and line item code as found in the Regular Pay block. It is the members responsibility to submit an accurate time sheet when due at the end of the two week pay schedule cycle. Division supervisors will verify all timesheets at the end of each two week pay period cycle and submit to the Sheriff for approval. Members who are scheduled off on a holiday and are called out for assignment (ie. detective or transport deputies) will be paid at time and one-half for the number of hours they work the assignment, see overtime compensation policy. Special religious holidays may be observed by individual members and chargeable first to accumulated vacation leave time. Members must notify his/her Division supervisor during annual vacation leave scheduling to request special religious observance. If a member has no accumulated vacation, the member may be granted leave without pay.

1031.4 MILITARY LEAVE

Members who are a member of U.S. Armed Forces Reserve or National Guard uniformed service are granted unpaid leave of absence when called for active or inactive duty training. This time is granted in addition to earned vacation time. If the member desires to use his/her vacation time for this purpose, the member must request this desire in writing.

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1031.5 FUNERAL LEAVE

Members may be granted up to five working days of paid funeral leave to attend funerals of the following family members: wife, husband, domestic partner, civil unions, children, parents, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, daughters-in-law, and sons-in-law of the member or the member's spouse's family.

1031.6 LEAVE ACCRUAL UPON RETURN AFTER SEPARATION

Members who separate employment from the Montezuma County Sheriff's Office after serving five or more years of consecutive service and are reinstated as full-time paid members within one year after date of separation, may be granted the same level of vacation time accrual as was in effect on the date of their separation.

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Line-of-Duty Deaths

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Montezuma County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy for a non-line-of-duty death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a deputy during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For a deputy, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1032.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1032.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Sheriff, Division Supervisor and the Dispatch Center.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Patrol Lieutenant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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(c) If the member has been transported to the hospital, the Patrol Lieutenant or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Sheriff or the authorized designee should handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1032.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, and at least two members should conduct notification of survivors, one of which may be the Office Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

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(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.

(m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Montezuma County Sheriff's Office members may be apprised that survivor notifications are complete.

1032.4.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the office member that the survivors can call for more information following the notification by the assisting agency.

(b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

1032.5 NOTIFYING OFFICE MEMBERS

The Sheriff is responsible for notifying office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

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1032.6 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Office Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Office should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1032.6.1 OFFICE LIAISON

The Office Liaison should be a Division Lieutenant or of sufficient rank to effectively coordinate office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding office members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Office members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Montezuma County Sheriff's Office members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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1032.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Lieutenant. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of office-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

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(h) Coordinating with the office's Public Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to office activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1032.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of office responsibilities until they can receive wellness support.

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(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1032.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Office, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Sheriff and command staff concerning funeral arrangements.

(e) Assigning a deputy to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using office vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Montezuma County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Sheriff should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1032.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury and Death Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.)
2. Social Security Administration
3. Department of Veterans Affairs

(c) Researching and assisting survivors with application for state and local government survivor benefits:

1. Survivor or domestic partner benefits (CRS § 14-15-107; CRS § 31-31-815 et seq.)
2. Survivor death benefits (CRS § 24-33.5-122)
3. Educational benefits (CRS § 23-3.3-205)
4. Insurance benefits (CRS § 31-31-902; CRS § 31-31-903)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

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1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1032.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

1032.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the Sheriff will designate office's [PIO] should be the office's contact point for the media. As such, the [PIO] should coordinate with the Office Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that office members are instructed to direct any media inquiries to the [PIO].

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Office and deceased member's survivors.

(d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

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(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to office members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

1032.8 OFFICE CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1032.9 INVESTIGATION OF THE INCIDENT

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1032.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

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1032.11 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

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Wellness Program

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1033.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1033.2 POLICY

It is the policy of the Montezuma County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1033.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Human Resources Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.

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2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for office peer support members, such as:

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for office peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

(g) Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).

1. The coordinator should work with appropriate office liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

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1033.4 OFFICE PEER SUPPORT

1033.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA
The selection of a office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1033.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES
The responsibilities of office peer support members include:

(a) Providing pre- and post-critical incident support.

(b) Presenting office members with periodic training on wellness topics, including but not limited to:

1. Stress management.
2. Suicide prevention.
3. How to access support resources.

(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.

1. Referrals should be made to office-designated resources in situations that are beyond the scope of the peer support member's training.

1033.4.3 PEER SUPPORT MEMBER TRAINING
A office peer support member should complete office-approved training prior to being assigned.

1033.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

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1033.6 PEER SUPPORT COMMUNICATIONS

The Office will honor the sensitivity and confidentiality of communications with peer support members.

Any oral or written communication made to a peer support member while providing peer support services in accordance with this policy is confidential and shall not be disclosed without consent unless (CRS § 12-30-125):

(a) The peer support member was a witness or party to an incident which prompted the delivery of peer support services.

(b) The communication indicates actual or suspected child abuse or neglect or crimes against at-risk persons.

(c) The member receiving peer support services is a clear and immediate danger to themself or others due to being under the influence of drugs, alcohol, or other incapacitating substances.

(d) There is reasonable cause to believe the member receiving peer support services is gravely disabled or is an imminent threat to themself or others due to a mental health disorder.

(e) There is information indicative of any criminal conduct.

(f) The member receiving peer support services makes an articulable and significant threat against the health and safety of another or involving the damage or destruction of property.

1033.6.1 RESTRICTIONS ON DISCLOSURE OF PEER SUPPORT COMMUNICATIONS

A peer support team member acting in a peer support capacity and according to office guidelines for provision of peer support services may not be compelled to testify in court proceedings unless specific exceptions apply (CRS § 13-90-107).

1033.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

(a) Voluntary participation by members

(b) Allowable physical fitness activities

(c) Permitted times and locations for physical fitness activities

(d) Acceptable use of office-provided physical fitness facilities and equipment

(e) Individual health screening and fitness assessment

(f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting

(g) Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.

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(h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)

(i) Ongoing support and evaluation

1033.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Sheriff for review and consideration of updates to improve program effectiveness.

1033.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Manager to provide all members with regular education and training on topics related to member wellness, including but not limited to:

- The availability and range of office wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

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Attachments

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Office

Memo_Livestock Inspection Procedures.pdf

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Montezuma County Sheriff's Office

Steven D. Nowlin – Sheriff

730 East Driscoll Street
Cortez, Colorado 81321
Dolores Substation
420 Railroad Avenue
Dolores, Colorado 81323

Telephone 970 / 565-8452
Fax 970 / 565-3731
www.montezumasheriff.org

Memorandum

Date: February 25, 2016

To: Patrol and Detective Divisions

Subject: Livestock Inspection Procedures

This directive and procedure is attached to Montezuma County Sheriff's Office Policy 429, and effective this date. During the completion of the MCSO Livestock Inspection Report, as much description of the livestock should be documented in addition to the blocks provided on the form, to include sex, color, marking, ear tags and age (calf, yearling, adult, etc.), and can be placed in the remarks section of the form.

If the inspection revealed no violations the compliance block should be checked. If verbal or written warnings for violations were found, the appropriate block(s) should be checked. An information pamphlet on brand inspection requirements provided by the State Board of Stock Inspection Commissioners should be given to the driver along with the pink copy of the inspection report form.

Local Brand Inspectors should be contacted for assistance at any time, and immediately if the person in possession of any livestock who is not a resident of Montezuma County and are in violation or the lawful possession is in question.

The original copy of the inspection form (white) is submitted to the MCSO Records Section at the end of each shift which will be scanned and emailed to the local Brand Inspectors listed below:

Joel Stevenson (970) 565-7280, email joel.stevenson@state.co.us

Chad Moore (970) 442-1213, email chad.moore@state.co.us

By Order of the Sheriff

Steven D. Nowlin, Sheriff
Montezuma County, Colorado

Secondary Employment Memo Blank.pdf

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Montezuma County Sheriff's Office

Steven D. Nowlin – Sheriff

730 East Driscoll Street
Cortez, Colorado 81321
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420 Railroad Avenue
Dolores, Colorado 81323

Telephone 970 / 565-8452
Fax 970 / 565-3731
www.montezumasheriff.org

Secondary and/or Outside Employment Request

Date: _____

To: Sheriff via chain of command

Subject: Permission to engage in the following secondary and/or outside employment

Employer name, address and description of job duties:

All members are to review Montezuma County Sheriff's Office Policy 1021 before submission of this request. In summary:

1. Employees are not to be employed outside the Sheriff's Office where such employment would constitute a conflict of interest.
2. Full time employees are not to work outside employment to an extent that it affects their primary job duties at the Montezuma County Sheriff's Office.
3. All secondary and/or outside employment shall have prior written approval by the Sheriff.

Signature Date

Division Supervisor Recommendation

_____ Approved
_____ Denied (Reason)

_____ _____
Division Supervisor Signature Date

_____ Approved
_____ Denied

_____ _____
Sheriff Signature Date

USDOJ Executive Order 13929.pdf

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The U.S. Department of Justice

Standards for Certification on Safe Policing for Safe Communities

Through President Donald J. Trump's Executive Order No. 13929, the U.S. Attorney General, as appropriate and consistent with applicable law, will allocate Department of Justice discretionary grant funding ***only*** to state, local, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain mandatory and discretionary standards for safe policing, to be set by the U.S. Attorney General.

Using safe policing principles, law enforcement will continue striving to improve policies and procedures — ensuring transparent, safe, and accountable delivery of services to our communities. This will enhance citizen confidence in law enforcement, and facilitate the identification and correction of internal issues before they result in injury to the public or to law enforcement officers.

Accordingly, set forth below are the U.S. Department of Justice's standards on safe policing for securing credentials certifying compliance with Executive Order No. 13929 and eligibility for discretionary grants. The U.S. Attorney General will regularly review this document and revise it as appropriate.

I. Definitions

APPLYING LAW ENFORCEMENT AGENCY or APPLYING AGENCY: A state, local, or university or college law enforcement agency seeking certification from an independent credentialing body pursuant to Section 2 of Executive Order No. 13929 and Part II of this document. An applying law enforcement agency shall also include any state, local, or university or college law enforcement agency whose head of agency affirms that: (a) the requirements of Section 2 of Executive Order No. 13929 and Part II of this document are met; and (b) his agency has affirmatively sought certification from an independent credentialing body.

CERTIFIED LAW ENFORCEMENT AGENCY: A state, local, or university or college law enforcement agency which an independent credentialing body has certified meets the criteria set forth in Part II of this document.

CHOKE HOLD: A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

DEADLY FORCE: Any use of force that creates a substantial risk of causing death or serious bodily injury, consistent with U.S. Supreme Court precedent.

INDEPENDENT CREDENTIALING BODY: A regionally or nationally recognized non-profit, for-profit, government entity, or other law enforcement accreditation entity that the U.S. Attorney General, in his sole discretion, determines to be: (i) independent; (ii) reputable;

(iii) in the business of establishing law enforcement standards; and (iv) capable of certifying compliance with Section 2 of Executive Order No. 13929 and Part II of this document. Independent credentialing bodies include, *inter alia*, any state law enforcement accrediting body and peace officer standards and training (POST) commission.[1]

LAW ENFORCEMENT OFFICER: A state, local, or university or college employee or volunteer who is licensed under applicable state law or certified by an applicable POST commission.

NO-KNOCK WARRANT: A warrant where a judge or magistrate, upon cause shown in the warrant application, specifically authorizes that the warrant may be executed in a "no knock-and-announce" fashion.

OBJECTIVELY REASONABLE: The determination that the decision to use force, and the level of force used, is what a reasonable and prudent officer would use under the same or similar situations based upon the officer's evaluation of the situation, experience, training, and the totality of the circumstances known to or believed to exist by the officer at the time the force is used and is consistent with U.S. Supreme Court precedent.

POLICY or POLICIES: A deliberate system of principles intended to guide agency decision-making.

PROCEDURES: The manner of implementing policies.

SERIOUS BODILY INJURY: Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

TRAINING PROTOCOLS: The method and manner by which law enforcement personnel are trained on preferred practices, legal, and constitutional requirements.

WARNING SHOT: The intentional discharge of a firearm for the purpose of warning or seeking compliance from an individual, but not intended to cause physical injury.

II. Safe Policing Principles that Independent Credentialing Bodies Must Consider When Assessing Certification of Applying Law Enforcement Agencies

Pursuant to Section 2 of Executive Order No. 13929, an independent credentialing body shall certify an applying law enforcement agency if the independent credentialing body determines

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[1] A list of independent credentialing bodies currently approved by the U.S. Attorney General is contained in Attachment A. Any other entity seeking to be later designated as an independent credentialing body should petition the U.S. Department of Justice by submitting an application to Director of Community Oriented Policing Services ("COPS"). Applying agencies denied certification by an independent credentialing body may make an appeal to the Deputy Attorney General for review and relief.

— or, within the past 36 months, has already determined — that the following two conditions have been met:

A. Adherence to Applicable Laws
The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.

B. Prohibition of Choke Holds
The applying agency maintains use of force policies that prohibit the use of choke holds, except in situations where the use of deadly force is allowed by law.

After the independent credentialing body confirms that the requirements in Part II of this document are met, the independent credentialing body must include the applying law enforcement agency within its database of certified law enforcement agencies. Beginning in 2021, on or before January 31 of each year, independent credentialing bodies must provide the names of each certified law enforcement agency to the Director of the COPS Office or his delegate. Each certified law enforcement agency is qualified to receive U.S Department of Justice discretionary grants for up to (i) 36 months from the date of its most recent certification by an independent credentialing body, or (ii) the lifecycle of any discretionary grant awarded, whichever option is longer.

III. Safe Policing Principles that Independent Credentialing Bodies Should Consider When Assessing Certification of Applying Law Enforcement Agencies

Pursuant to Section 2 of Executive Order No. 13929, the following safe policing principles will aid in law enforcement's continued self-assessment of its own policies and training on use of force and de-escalation techniques, performance management tools, and community engagement. Accordingly, in assessing whether to certify an applying law enforcement agency, an independent credentialing body should — but is not required to — consider whether the applying agency incorporates the following safe policing principles within its policies and procedures:

A. Use of Force and De-escalation Techniques

i. Termination of Use of Force
The applying agency should maintain use of force policies and procedures that address when force against individuals who fail to comply with lawful commands should terminate, including the following requirement: when it is objectively reasonable that a subject is fully in law enforcement's control, then the force must terminate.

ii. Duty to Intervene
The applying agency should maintain policies and procedures that include the duty and obligation to intervene to prevent or stop the known and apparent use

of excessive force by another officer when it is objectively reasonable to do so. An agency's duty to intervene policy may be memorialized separately from the agency's use of force policies.

iii. Training Protocols on Use of Force and De-Escalation
The applying agency should maintain training protocols that adhere to, or exceed, any applicable state laws to become, and remain in good standing as, law enforcement officers. The applying agency's training protocols should include substantive instruction on the agency's use of force policies and procedures, de-escalation techniques, and related legal updates.

iv. Appropriate Medical Care
The applying agency should maintain policies and procedures that address when it is appropriate for an officer to provide medical care consistent with his training to any individual. Medical care may include providing basic first aid, requesting emergency medical services, and/or arranging for transportation to a medical facility.

v. Warn Before Shooting
The applying agency should maintain use of force policies and procedures that encourage personnel — circumstances permitting and when reasonably practical — to identify themselves as law enforcement officers and to give verbal warning of their intent to use deadly force.

vi. Shooting at or from a Moving Vehicle
The applying agency should maintain use of force policies and procedures regarding shooting at or from a moving vehicle.

vii. Warning Shots
The applying agency should maintain policies and procedures regarding warning shots.

viii. No-Knock Warrant
The applying agency should maintain policies and procedures regarding the use and execution of no-knock warrants.

B. Performance Management Tools

i. Early Intervention Systems
The applying agency should strive to routinely conduct internal audits of their policies, procedures, and training protocols, as well as officer safety and wellness programs or initiatives. Where resources permit, the applying agency should maintain human resource policies and procedures that aid in the development of human capital, protect due process for officers, and encourage the identification and assistance of law enforcement personnel who are

becoming, or likely to become, at risk to violate use of force or other agency policies or procedures.

ii. Hiring of Personnel

The applying agency should maintain policies, procedures, and training protocols to hire and promote only those employees, or others (such as independent contractors), who are the best available candidates for a position according to the accepted standards of objectivity and merit.

C. Community Engagement

The applying agency should implement community engagement plans that address the particular needs of the community being served. The implementation plans may be memorialized separately from the agency's use of force policies.

# # #

MCSO Photolineup.pdf

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MONTEZUMA COUNTY SHERIFF'S OFFICE

PHOTO/PHYSICAL IDENTIFICATION REPORT

CASE REPORT NUMBER:_____

PHOTOGRAPHIC/PHYSICAL LINEUP ADMONITION

In a moment you are going to be shown a group of photographs/people. This group of photographs/people may or may not contain the person(s) who committed the crime now being investigated. The fact that the photographs/people are being shown to you should not cause you to believe or guess that the guilty person(s) has been apprehended. You do not have to identify anyone. It is just as important to free innocent persons from suspicion, as it is to identify those who are guilty. Please keep in mind that hairstyles, beards and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person. It may be lighter or darker than shown in the photograph. You should pay no attention to any markings or numbers. Also, pay no attention to whether the photographs are in color, black or white, or any other difference in the type or style of photograph. You should study only the person(s) shown.

Please do not talk to anyone other than the police officer while viewing the lineup. You must make up your own mind and not be influenced by other witnesses, if any.

When you have completed viewing all photographs/people, please tell me whether or not you can make an identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. The investigation will continue whether or not a person(s) is identified by a witness.

I have read and understand the above:_____
Signature

The photographs/people in the lineup are referred to by number only. If you can identify anyone in connection with the investigation, please put a circle around the number **below** that corresponds to the number of the photograph/person. Make a brief comment about how the person identified is related to the case under investigation, and your level of confidence in this identification.

1 2 3 4 5 6 NONE

COMMENTS:_____

_____

SIGNED_____ WITNESS_____

PLEASE DO NOT WRITE BELOW THIS LINE

Officer Preparing Lineup:_____Date:_____
Officer Showing Lineup:_____Date/Time:_____
Location of Lineup:_____

MCSO Private Property Relinguishment.pdf

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Montezuma County Sheriff's Office

Steven D. Nowlin – Sheriff

730 East Driscoll Street
Cortez, Colorado 81321
Dolores Substation
420 Railroad Avenue
Dolores, Colorado 81323

Telephone 970 / 565-8452
Fax 970 / 565-3731
www.montezumasheriff.org

Evidence / Property Relinquishment

Date:

Case Report Number:

I, _____, DOB/ _____, hereby voluntarily relinquish to the Montezuma County Sheriff, the following personal property items owned by me:

1.

2.

3.

4.

I understand by voluntarily relinquishing the above items, that I am the owner of each item listed as stated by my signature under penalty of perjury. I waive all rights to these items and proceedings as prescribed in C.R.S. 16-13-311 and 16-13-504. I further waive all future claims to the property and agree the items may be disposed of as requested or at the discretion of the Montezuma County Sheriff.

SIGNED:_____ DATE:_____

WITNESS: DATE: _____

OHV-SnowmobileAccidentReport.pdf

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COLORADO PARKS & WILDLIFE

OHV/SNOWMOBILE ACCIDENT REPORT

REPORTING AGENCY _____
CASE NUMBER _____
CONNECTING CASE # _____

Colorado Parks & Wildlife Trails Program ▪ 13787 S. Highway 85, Littleton, CO 80125 ▪ (303) 791-1957 ▪ email: DNR_trails @state.co.us

33-14.5-113 / 33-14-115 C.R.S. NOTICE OF ACCIDENT (1) The operator of an off-highway vehicle or snowmobile involved in an accident resulting in property damage of $1500 or more or injuries resulting in hospitalization or death, or some person acting for the operator, or the owner of the off-highway vehicle/snowmobile having knowledge of the accident shall immediately, by the quickest available means of communication, notify an officer of the Colorado State Patrol, the sheriff's office of the county wherein the accident occurred, or the office of the police department of the municipality wherein the accident occurred. (2) Any law enforcement agency receiving a report of accident under this section shall forward a copy thereof to the Division, which shall compile statistics annually based upon such reports. (3) Within forty-eight hours after the accident involving an off-highway vehicle, the accident shall be reported to the Denver office of the Division. The reports shall be made on forms furnished by the Division and shall be made by the owner of the vehicle or someone acting for the owner or operator.

ACCIDENT INFORMATION

Number of vehicles in accident: _____ Disappearance of person indicating injury or death? ☐ 1 Yes ☐ 2 No

Injuries requiring medical treatment? ☐ 1 Yes ☐ 2 No Death related to accident ☐ 1 Yes ☐ 2 No

Date of Accident	Time of Day	Day of Week	Location of Accident
/ /	☐ am ☐ pm		☐ 1 Private Land ☐ 2 Public Land ☐ 3 Public Road ☐ 4 Hwy Right-of-Way ☐ 5 Public Trail ☐ 6 Private Trail ☐ 7 Lake or Stream ☐ 8 Route

County	City or Municipality	Primary Location of Accident	State
		☐ 1 Water ☐ 2 Trail ☐ 3 Roadway	CO

OHV/Snowmobile #1

OPERATOR NAME (Last, First, MI)	SEX	RACE	AGE	DOB	OCCUPATION

ADDRESS (Res.)	TELEPHONE ( ) / ZIP	ADDRESS (Bus.)	TELEPHONE ( ) / ZIP

OPERATOR'S EXPERIENCE (hours)	TYPE OF OHV/Snowmobile	Has Operator Completed an OHV/Snowmobile Safety Course?	BAC TEST?
☐ 1 Under 20 hours ☐ 2 20 – 100 hours ☐ 3 101 – 500 hours ☐ 4 Over 500 hours	☐ 1 Three Wheel ATV ☐ 2 Four Wheel ATV ☐ 3 Motorcycle ☐ 4 Snowmobile	☐ 1 Yes ☐ 2 No	☐ 1 Breath ☐ 2 Blood ☐ 3 No RESULTS _____%

REGISTRATION NUMBER	MAKE	MODEL	YEAR	SERIAL NUMBER

RENTED MACHINE?	WEARING HELMET?	CC DISPLACEMENT	ODOMETER	ESTIMATED SPEED AT TIME OF ACCIDENT
☐ 1 Yes ☐ 2 No	☐ 1 Yes ☐ 2 No			

OWNER NAME (Last, First, MI)	SEX	RACE	AGE	DOB	OCCUPATION

ADDRESS (Res.)	TELEPHONE ( ) / ZIP	ADDRESS (Bus.)	TELEPHONE ( ) / ZIP

OHV/Snowmobile #2

OPERATOR NAME (Last, First, MI)	SEX	RACE	AGE	DOB	OCCUPATION

ADDRESS (Res.)	TELEPHONE ( ) / ZIP	ADDRESS (Bus.)	TELEPHONE ( ) / ZIP

OPERATOR'S EXPERIENCE (hours)	TYPE OF OHV/Snowmobile	Has Operator Completed an OHV/Snowmobile Safety Course?	BAC TEST?
☐ 1 Under 20 hours ☐ 2 20 – 100 hours ☐ 3 101 – 500 hours ☐ 4 Over 500 hours	☐ 1 Three Wheel ATV ☐ 2 Four Wheel ATV ☐ 3 Motorcycle ☐ 4 Snowmobile	☐ 1 Yes ☐ 2 No	☐ 1 Breath ☐ 2 Blood ☐ 3 No RESULTS _____%

REGISTRATION NUMBER	MAKE	MODEL	YEAR	SERIAL NUMBER

RENTED MACHINE?	WEARING HELMET?	CC DISPLACEMENT	ODOMETER	ESTIMATED SPEED AT TIME OF ACCIDENT
☐ 1 Yes ☐ 2 No	☐ 1 Yes ☐ 2 No			

OWNER NAME (Last, First, MI)	SEX	RACE	AGE	DOB	OCCUPATION

ADDRESS (Res.)	TELEPHONE ( ) / ZIP	ADDRESS (Bus.)	TELEPHONE ( ) / ZIP

TYPE AND CAUSE OF ACCIDENT

TYPE OF ACCIDENT
☐ 1 Fell from moving machine ☐ 2 Collision with fixed object ☐ 3 Collision with another machine ☐ 4 Struck by another machine ☐ 5 Collision with moving vehicle ☐ 6 Collision with parked vehicle ☐ 7 Broke through ice ☐ 8 Driven into open water ☐ 9 Machine rolled over ☐ 10 Struck fence or cable ☐ 11 Injured by part of machine ☐ 12 Pedestrian struck by machine ☐ 13 Being pulled by machine ☐ 14 Other _____

WEATHER
☐ 1 Fog / mist ☐ 2 Raining ☐ 3 Snowing ☐ 4 Clear

SURFACE INFORMATION
☐ 1 Dirt ☐ 2 Snow ☐ 3 Pavement ☐ 4 Ice ☐ 5 Stream

VISIBILITY
☐ 1 Good ☐ 2 Fair ☐ 3 Poor ☐ 4 Day ☐ 5 Night

WHAT CONTRIBUTED TO THE ACCIDENT
☐ 1 Alcohol and/or drug use ☐ 2 Excessive speed ☐ 3 Fault of equipment ☐ 4 Fault of operator ☐ 5 Fault of other person ☐ 6 Inexperience ☐ 7 Unfamiliar with terrain ☐ 8 Other _____

TRAIL CONDITION
☐ 1 Muddy ☐ 2 Icy ☐ 3 Rough ☐ 4 Smooth

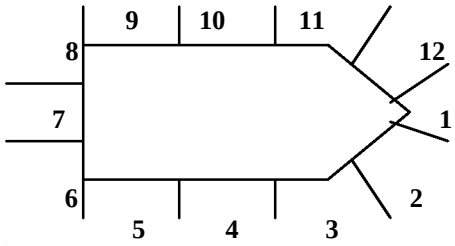
TEMPERATURE
_____ °F

Rev. 3/4/2019

Colorado Parks & Wildlife Trails Program ▪ OHV/SNOWMOBILE ACCIDENT REPORT ▪ AGENCY CASE #_____

IMPACT / DAMAGE DATA

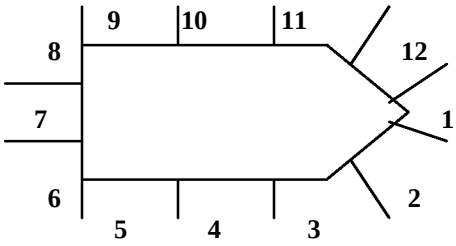
VEHICLE #1 INITIAL IMPACT POINT # _____ CIRCLE ALL DAMAGED AREAS



13 -- WINDSHIELD
14 -- BURNED
15 -- NO DAMAGE (INJURY ONLY)

Estimated Damages: $_____

VEHICLE # 2 INITIAL IMPACT POINT # _____ CIRCLE ALL DAMAGED AREAS



13 -- WINDSHIELD
14 -- BURNED
15 -- NO DAMAGE (INJURY ONLY)

Estimated Damages: $_____

INDICATE LOCATION OF OPERATOR / PASSENGERS ON MACHINE IN DIAGRAMS ABOVE USING LETTER + NUMBER CODES LISTED BELOW

D = DECEASED V = VICTIM O = OPERATOR P = PASSENGER (UNINJURED) I = PASSENGER (INJURED)

INJURED

V 1

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | NATURE OF INJURIES | BAC? _____%

ZIP | MEDICAL TREATMENT

V 2

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | NATURE OF INJURIES | BAC? _____%

ZIP | MEDICAL TREATMENT

V 3

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | NATURE OF INJURIES | BAC? _____%

ZIP | MEDICAL TREATMENT

DECEASED

D 1

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | NATURE OF INJURIES | BAC? _____%

ZIP | CAUSE OF DEATH? | HELMET? ☐ 1 Yes ☐ 2 No

D 2

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | NATURE OF INJURIES | BAC? _____%

ZIP | CAUSE OF DEATH? | HELMET? ☐ 1 Yes ☐ 2 No

D 3

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | NATURE OF INJURIES | BAC? _____%

ZIP | CAUSE OF DEATH? | HELMET? ☐ 1 Yes ☐ 2 No

WITNESSES

W 1

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | ADDRESS (Bus.) | TELEPHONE # ( )

ZIP | ZIP

W 2

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | ADDRESS (Bus.) | TELEPHONE # ( )

ZIP | ZIP

W 3

NAME (Last, First, MI) | SEX | RACE | AGE | DOB | OCCUPATION

ADDRESS (Res.) | TELEPHONE # ( ) | ADDRESS (Bus.) | TELEPHONE # ( )

ZIP | ZIP

Colorado Parks & Wildlife Trails Program ▪ OHV/SNOWMOBILE ACCIDENT REPORT ▪ AGENCY CASE #_____

ACCIDENT DESCRIPTION:

ACCIDENT DIAGRAM:

	OHV/SNOWMOBILE #1	**OHV/SNOWMOBILE #2**
CITATIONS ISSUED AS A RESULT OF ACCIDENT?		

INVESTIGATING OFFICER SIGNATURE	COMMISSION #
INVESTIGATING OFFICER NAME & DATE	
SUPERVISOR SIGNATURE & DATE	

THIS SECTION FOR COLORADO PARKS & WILDLIFE TRAILS PROGRAM USE ONLY.

CAUSES BASED ON:	**REVIEWING OFFICE**	**DATE RECEIVED:**	**REVIEWED BY:**
☐ **THIS REPORT** ☐ **INVEST. & THIS REPORT** ☐ **COULD NOT BE DETERMINED**	**COLORADO PARKS & WILDLIFE** **13787 S. HIGHWAY 85** **LITTLETON, CO 80125** **(303) 791-1957**	**PRIMARY CAUSE:**	**SECONDARY CAUSE:**

ACCIDENT DESCRIPTION (continued):

Reporting Off Highway Vehicle Crashes.pdf

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Reporting Off-Highway Vehicle Accidents

If you are operating an off-highway vehicle (OHV) and you are in an accident resulting in property damage of $1,500 or more, OR injuries resulting in hospitalization or death, you must report the accident within 48 hours, to a law enforcement officer, and use the OHV/Snowmobile Accident Reporting Form. After completing this form, fax or mail it to:

Colorado State Parks, OHV Program Manager
13787 S. Highway 85, Littleton, CO 80125
Fax: (303) 470-0782
Phone: (303) 791-1954

33-14.5-113 - Notice of Accident

(For a complete copy of the Off-Highway Vehicle Article 14.5, go to Laws and Regulations)"

1. The operator of an OHV involved in an accident resulting in property damage of $1,500 or more, or injuries resulting in hospitalization or death, (or some person acting for the operator, or the owner of the off-highway vehicle having knowledge of the accident) shall immediately, by the quickest available means of communication, notify an officer of the Colorado State Patrol, the sheriff's office of the county where the accident occurred, or the police department of the city where the accident occurred.
2. Any law enforcement agency receiving a report of accident under this section shall forward a copy thereof to the Division, which shall compile statistics annually, based upon such reports.
3. Within 48 hours after the accident involving an OHV, the accident shall be reported to the Denver Office of the Division. The reports shall be made on forms furnished by the Division and shall be made by the owner of the vehicle or someone acting for the owner or operator.
4. Any person who violates subsection (1) or (3) of this section is guilty of a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of seventy-five dollars. Based upon such reports.

CPS_DSS 2019 MOU.pdf

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COOPERATIVE AGREEMENT BETWEEN COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, POLICE DEPARTMENT, AND THE COUNTY SHERIFF'S OFFICE

This agreement is entered into, by and between the [County] Department of Human/Social Services, hereinafter "Human/Social Services", and the Police Department and the County Sheriff's Office, hereinafter "Law Enforcement".

WITNESSETH

WHEREAS, Colorado law encourages cooperation between local departments of Human/Social Services and local Law Enforcement; and

WHEREAS, from time to time, [County]Human/Social Services and [County] Law Enforcement have the responsibility to investigate allegations of child abuse and neglect; and

WHEREAS, the parties hereto desire to memorialize their cooperative arrangement; and

WHEREAS, by custom, Human/Social Services and Law Enforcement have taken the prime responsibility to investigate child abuse and neglect cases, and the parties affirmatively state that this Agreement is not intended to change this custom; and

WHEREAS, while each of the undersigned professionals and agencies have specific responsibilities in the treatment, protection, and investigation of children, it is acknowledged that the multidisciplinary team approach on matters of child abuse and neglect is a more positive approach to the ultimate resolution of the problems related to these most difficult situations; and

WHEREAS, the purpose of this agreement is to enhance the ability of agencies, organizations, and individuals to implement coordinated efforts in dealing with children and families involved in child abuse and neglect,

NOW THEREFORE, the parties agree as follows:

I. PROTOCOL FOR COOPERATION

The following protocol shall apply for cooperation between Human/Social Services and local Law Enforcement.

A. Child abuse reporting laws allow reports to both Law Enforcement and Human/Social Services. This makes cooperation essential to assure prompt action, protection for the child and the responses required by law. The decision regarding who investigates a suspected child abuse/neglect case shall be

made jointly by the referring agency and the receiving agency. Joint investigation may also be requested by the receiving agency if there *is* a determination of that need.

B. Department of Human/Social Services has an assigned worker on call twenty-four hours per day, seven days per week. Any referrals should be made to a caseworker or the director during regular working hours or the staff person on call after hours. An On-Call schedule shall be provided to local Law Enforcement on a monthly basis. All referrals from Human/ Social Services will be made to the officer on duty.

C. Any case of physical abuse/neglect that rises to the level of a crime regardless of severity will be reported immediately to law enforcement on duty even if not during normal working hours. The deputies and/or Officer in Charge will document the case and decide if detectives need to be involved at this point. Lack of immediate attention could affect proper photographs and documentation of injuries and cold interview of suspects and/or witnesses. This could ultimately affect successful prosecution by the District Attorney's Office.

D. Third-party abuse or neglect cases investigated by Law Enforcement as provided in Section 19-3-308(5.3)(a) shall not require immediate notification to Human/Social Services. In such cases, Law Enforcement shall submit a copy of its investigative report to Human/Social Services in order that Human/Social Services may submit a report to the states automated system if the case is substantiated, and may order to have the local Child Protection Team review the case.

E. All reports of confirmed child abuse/neglect shall be forwarded by the County Department to the District Attorney's office and the local Law Enforcement agency.

F. In Joint investigations, as a general rule, Human/Social Services will take the lead in interviewing the victim; and Law Enforcement will take the lead in interviewing the alleged perpetrator. Joint interviews shall be preceded by a planning session to outline the conduct of the interview prior to the investigation. However, some investigations will proceed according to a standard plan of actions, while others will require a unique approach. Upon completion of the joint investigation:

    1. Law Enforcement continues criminal investigation without the involvement of Human/Social Services. This shall include the submission of the information to the District Attorney for disposition.
    2. Human/Social Services shall be responsible for determining what measures are necessary for the protection of the children, which may include, but not necessarily be limited to the removal of the child(ren) from the home, the filing of a Petition for Dependency and Neglect, and appropriate notification to the Court if removal has occurred.

3. Appropriate sharing of reports must occur. Law Enforcement shall provide Human/Social Services with copies of incident reports when requested.

II. LANGUAGE AND CRITERIA FOR IDENTIFICATION OF SUSPECTED ABUSE

This section is intended to ensure that all parties are using the same language and criteria for identification of suspected abuse and neglect cases.

ABUSE

- Minor - Excessive or inappropriate force used resulting in a superficial injury.
- Medium - Excessive or inappropriate force used resulting in an injury which may require medical attention.
- Severe- Excessive or inappropriate force used resulting in a serious injury which requires medical attention and/or hospitalization.
- Near fatal - Involves an incident in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.
- Fatal - Physical or emotional needs of child are not met resulting in death.

NEGLECT

- Minor - Physical or emotional needs of child are marginally or inconsistently met, but little or no impact on the child's functioning.
- Medium - Physical or emotional needs of child are inadequately met resulting in some impairment in the child's functioning.
- Severe - Physical or emotional needs of child are not met resulting in serious injury or illness.
- Near fatal - Physical or emotional needs of the child are not met in an incident in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.
- Fatal - Physical or emotional needs of child are not met resulting in death.

SEXUAL ABUSE

- Severity of sexual abuse should be determined based upon the type of contact, duration of contact, and the emotional impact upon the child.

III. RESPONSIBILITY FOR INVESTIGATION

A. The following are applicable cases, or types of cases, where it is expected that the sole investigation will be conducted by Human/Social Services (Law Enforcement may be called at any time there may be a safety risk to any worker):

1. Minor physical abuse
2. Substance exposed newborn
3. Organic Failure to Thrive
4. Medical neglect (including failure to provide medically indicated treatment to disabled infants with life threatening conditions and drug affected babies).
5. Sexual abuse when perpetrator under age 10. Exception, if there is indication that the under age 10 perpetrator is the victim of someone over 10.
6. Educational neglect. In truancy cases, after charges have been filed by the school district.
7. Emotional abuse.
8. Medium neglect, lack of supervision.
9. Physical or sexual abuse in a daycare home or center, foster home, group home or institution. (Another county department may need to investigate to avoid a conflict of interest).

While Social Services should be heavily involved in all of the listed applicable cases, so should law enforcement. Many of the cases listed above could rise to the level of a crime.

B. The following are examples of cases where it is expected that the sole investigation will be conducted by Law Enforcement (Human/Social Services may be called when determined by both parties to be in the best interest of the safety of the child).

1. Third-party physicalabuse.
2. Third party sexual abuse, when the alleged perpetrator is over 10 and it can be determined that the actor is not an abused child.
3. Report of immediate danger to a child when proximity and speed of Law Enforcement response is needed, when Child Protective Services are not available, and risk to the child indicates immediate evaluation is needed (e.g., welfarecheck).

C. The following cases shall be jointly investigated by Human/Social Services and Law Enforcement when abuse or neglect is suspected:

1. Death of a child.
2. Medium to severe physical abuse or risk of this. Joint investigation by Human/Social Services and Law Enforcement is recommended to evaluate the need for immediate medical evaluation, protective custody of the child and appropriate civil and criminal action.
3. All head trauma injuries (i.e., subdural hematoma).
4. All injuries involving ruptured organs, unjustifiably explained abdominal injuries or any injury consistent with abuse. (The history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence).
5. All fractures which are unjustifiably explained, or multiple fractures or in various stages of healing. (The history given concerning such conditionis at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence).
6. All second or third degree burns, including cigarette burns or other burns consistent with abuse (such as immersion burns).
7. All lacerations to the face, external genitalia or extremities which are unjustifiably explained. (The history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence).
8. All lesions on different parts of the body.
9. Intra familial and third-party sexual abuse.
10. Injurious Environment. (May require Code Enforcement).
11. Sexual abuse when the alleged perpetrator may be a child victim, or the actor may have his/her own children under the age of 18, or any other child may be at risk.
12. When a suspected perpetrator who is a parent, custodian, guardian or a child may flee.

13. When a parent, custodian, or guardian of a child refuses access to the child(ren) by Human/Social Services or Law Enforcement, or refuses medical examination of the child(ren). It is recognized that it may be necessary for Human/Social Services to obtain a Court Order for access to said child(ren).
14. Conditions suggesting suspicion that a law has been broken.
15. Any case in which a child is subjected to human trafficking of a minor for sexual servitude.

VI. GENERAL PROVISIONS OF COOPERATIVE AGREEMENT

A. The intent of this Agreement is to clarify and enhance cooperation between agencies to protect children. It is recognized there may be differing opinions regarding some case decisions. In those cases, referral to supervisory levels would be appropriate. Child Protection Teams also may be used for consultation, feedback, and direction regarding cases which have become problematic between agencies. The District Attorney may provide guidance as well. In extreme circumstances, the Court may be requested to intervene to resolve issues related to the legal responsibility of each agency.

B. Because agencies and communities are changing entities, annual review for modification or evaluation is accepted as a part of this cooperative agreement. The parties shall set a mutually convenient annual meeting to review and discuss issues directly related to the fulfillment of this Agreement.

C. Copies of relevant portions of Colorado Revised Statutes are attached hereto for reference.

THE UNDERSIGNED INDIVIDUALS REPRESENTING THEIR RESPECTIVE AGENCIES HAVE READ THIS DOCUMENT AND AGREE TO IMPLEMENT THE PROCEDURES AS OUTLINED.

X Gina Montoya 12/21/2018

Gina Montoya DATE
Montezuma County Social Services Director

X 01/02/2019

Steve Nowlin DATE
Montezuma County Sheriff

X Roy Lane 1-2-19

Roy Lane DATE
Cortez Police Chief

Sick Leave Pool Request Form.pdf

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County Commissioners:
Steve D. Chappell
Keenan G. Ertel
Larry Don Suckla

Board of County Commissioners

109 West Main, Room 302
Cortez, CO 81321
(970) 565-8317
(970) 565-3420 Fax

Sick Leave Pool Request Form

I, _____ am requesting _____ days/hours from Montezuma County Employee's sick leave pool. This time is requested from_____ to _____. (not to exceed 45 days in any one calendar year.)

As of today's date I have a balance of _____ vacation hours, _____sick leave hours and _____comp hours due to me. After using this time there will be no other time available for me.

I have submitted and attached a written statement from my physician stating the reason for this request.

I understand that if I am not working I will not earn vacation or sick days while I am drawing days from the sick leave pool.

_____
Employee's signature

_____
Date

Approved:

Department Head: _____

Date signed: _____

Original must be returned to Administration.

808.2.1 Livestock_Animal Neglect SOP.pdf

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Montezuma County Sheriff's Office

Cortez, Colorado

Public Safety

Standard Operating Procedures

For Livestock/Animal Neglect

Number:

Effective: January 14, 2019

Approval: SHERIFF STEVE NOWLIN

I. **Purpose**- To provide guidelines for handling issues of livestock neglect.

II. **Responsibility**- It is the responsibly of deputies to ensure the safety and welfare of all livestock in Montezuma County.

III. **Procedures**-

A. After an animal complaint is logged.

- **Communication**- Once a complaint of animal neglect has been logged, follow up to investigate the animal(s) condition must be performed and documented.

- **Food**
  -Was there food?
  -What type of food?
  -Grass Hay Alfalfa Mix Corn stalk Oates Other
  -Was feed provided to animal(s)?
  -Attach copy of Feed Bill.

- **Water**
  -Was there water?
  -What was the condition of the water?
  -Poor Fair Good Bad (dirty with debris)

  Animal Condition
  -What was the overall condition of the animal(s)?

-Poor Fair Good Bad
-Take photos of animal(s).
-Take photos of conditions.
-Make contact with owner.
-Was a warning given with instructions?
-Give CAD notes.
-Is follow up warranted?
-Was notice of Entry and Care posted?
-Photograph posting.
-Notify Brand Inspector.
-Joe Stevenson (970) 739-3113
-Jonathan Patchek (970) 759-4756
-Is there a Brand or Ear Tags.
-Verify Ownership: Identify the Brand.
-Keep in mind that some cattle sold are not yet re-branded.

Veterinary Care
-Was Vet contacted for inspection?
-Gerald Koppenhafer (970) 749-0262
-Kayleen Koppenhafer (970) 759-1795
-Sue Grabbe (970) 560-4054
-Attach copy of Vet Bill

Placement
-Contact Fairgrounds.
-Fairgrounds Manager, Larry Copeland (970) 759-1795

Transport
-Make transport arrangements to Fairgrounds.
-If transported, by who.
-Attach copy of transport expenses.

Search Warrant
-If needed, obtain Search Warrant for seizure
-Attach copy of Warrant.
-File Return of Inventory and Cost of Care with Court.
-Attach copy.

Summons
-Attach copy of Summons.

Colorado Department of Agriculture
Bureau of Animal Protection
700 Kipling Street – Suite #4000
Lakewood, Colorado 80215-5894
Telephone: (303) 239-4161

NOTICE OF ENTRY AND CARE

DATE: _____ POSTED: _____

TIME: _____ ISSUED IN PERSON: _____

This is to inform _____,
that pursuant to the authority granted by Section **35-42-108**, Colorado Revised Statutes,
_____, an officer of the Bureau of Animal Protection, Colorado Department of Agriculture, has entered this property,

located at: _____,

and provided the following care: _____,

for the following animals: _____.

> **35-42-108**. Care of confined animal. (1) Except as authorized by law, no animal shall be confined without an adequate supply of food and water. If any animal is found to be confined without adequate food or water, it shall be lawful for any officer or agent of the Bureau, a peace officer within his jurisdiction, or a licensed veterinarian to, from time to time as may be necessary, enter into any and upon any area of building where such animal is confined and supply it with adequate food and water; except that such entry shall not be made into any building which is a person's residence, unless by search warrant or court order.
>
> (3) Notice of entry and care shall be given by posting such notification at an entrance or at a conspicuous place upon such area or building where such animal is confined.

If any companion animals are not cared for by a person other than an agent or officer of the Bureau of Animal Protection, peace officer or licensed veterinarian within seventy-two hours of this posting, said animals, shall be presumed to have been abandoned under circumstances in which their life or health is endangered. In such case further action may be taken. If you have any questions concerning this matter or if you need further information contact me at:

NAME: _____
(Officer's signature)

ADDRESS: _____

TELEPHONE: _____

NOTICE OF ANIMAL IMPOUNDMENT; OWNER RIGHTS AND COST OF CARE RESPONSIBILITIES

Case # _____ Service: Personal Delivery _____ Posting _____ Mail _____
Owner/Custodian: _____ Date/Time of Notice: _____
Address: _____ Phone: _____
Officer: _____ Impounding Agency: _____

One or more animals in your care or custody have been impounded due to charges being filed against you or due to an investigation of charges involving cruelty to animals, animal fighting, mistreatment, neglect or abandonment of animals, or unlawful ownership of a dangerous dog. Impoundment services for the animal(s) are being provided by _____ as the designated impound agency. Under Colorado Revised Statutes Section 18-9-202.5, you are liable for the cost of impoundment, care and provisions of said animal(s) during the processing of your case. This includes impound fees, boarding fees, medical care, vaccinations, disposal fees or any other costs associated with the care and keep of your animal(s) while in the custody of _____. These fees will continue to accrue as long as your animal(s) are held at _____.

If you wish to maintain ownership of the impounded animal(s), you must pay the cost of care for the first thirty (30) days of care within ten (10) days of the date of impound. As an owner or custodian of an impounded animal, you may request a hearing at _____ within ten (10) days of impoundment to determine whether the costs associated with the cost of care are fair, reasonable and necessary and whether there was probable cause for the impoundment of your animal(s). **If you do not make payment for cost of care within ten (10) days following the impoundment of the animal(s) or as ordered by the court, the animal(s) will become the property of _____ and it may, at its sole discretion, determine the disposition of the animal(s), which may include humane euthanasia.** You may also, at your own expense, have a licensed veterinarian examine said animals within seventy-two (72) hours of the impoundment. If you would like a licensed veterinarian to examine the impounded animals within seventy-two (72) hours of impoundment, please have your licensed veterinarian call _____ to make such arrangements. If, in the opinion of a licensed veterinarian, an animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery or severely diseased past recovery, the animal may be euthanized without a court order. If at any point during this process you wish to relinquish ownership of your animal(s) for any reason, including minimizing your responsibility for cost of care, you are responsible for contacting _____ to complete relinquishment paperwork. Until the impounded animal(s) have become the property of the impounding agency by relinquishment or by court order, per C.R.S 18-9-202.5, you will be responsible for the cost of care. Your failure to timely pay the costs of care required by law or by court order will result in the forfeiture of your right to contest such costs and your ownership rights to any animal.

In cases involving multiple animals, individual animals may be selected for cost-of-care payment. Individual amounts are listed below with the description of each animal.

1)_____ Amount $_____
2)_____ Amount $_____
3)_____ Amount $_____
4)_____ Amount $_____

Total Amount for above listed animals $_____

To post cost-of-care payment: Take this form to the Clerk's office, _____, during business hours, Monday through Friday, _____. Once the correct cost-of-care amount has been posted as described above, a receipt will be issued. **The receipt must then be submitted to the _____ to identify the animal(s) for which the payment has been posted.** The animal(s) will then be held for thirty (30) days. At the end of the time for which expenses are covered by the cost-of-care payment, if the owner or custodian wishes to prevent disposition of the animal, the owner or custodian shall post a new payment with the court within ten (10) days prior to the previous payment's expiration.

At the end of the time for which expenses are covered by the payment, the _____ may determine disposition of the animal(s) unless there is a court order prohibiting such disposition. Posted payments are for the ongoing care of said animal(s) while impounded.

Delivered By: (signature) _____ Date:_____

Service: Personal Delivery _____ Posting _____ Mail _____

Excerpts from C.R.S 18-9-202.5: Impounded animals - costs of impoundment, provision, and care – Consult C.R.S. 18-9-202.5 for full text of C.R.S 18-9-202.5

(1) (a) (I) The owner or custodian of an animal that has been impounded by an impound agency because of alleged neglect or abuse or because of investigation of charges of cruelty to animals pursuant to section 18-9-202; animal fighting pursuant to section 18-9-204; mistreatment, neglect, or abandonment under article 42 of title 35, C.R.S.; or unlawful ownership of a dangerous dog as described in section 18-9-204.5, may prevent disposition of the animal by an impound agency by filing a payment for impoundment, care, and provision costs with the court in an amount determined by the impound agency to be sufficient to provide for the animal's care and provision at the impound agency for at least thirty days, including the day on which the animal was taken into custody.

(II) To the extent practicable, within seventy-two hours after an impoundment described under subparagraph (I) of this paragraph (a), upon request from the owner or custodian of the impounded animal, the impound agency shall allow a licensed veterinarian of the owner's or custodian's choosing and at his or her expense to examine the animal at a time and place selected by the impound agency, which examination may include taking photographs of the animal and taking biological samples for the purpose of diagnostic testing.

(b) The owner or custodian must file the payment:

(I) Within ten days after the animal is impounded; or

(II) If the owner or custodian requests a hearing pursuant to subparagraph (I) of paragraph (c) of this subsection (1), in accordance with subparagraph (IV) of paragraph (c) of this subsection (1).

(c) (I) Within ten days after the date of impoundment, the owner or custodian may request a hearing in a criminal court of competent jurisdiction. The owner or custodian must provide notice to the district attorney of his or her request for a hearing. If the owner or custodian requests a hearing, the court shall hold the hearing within ten days after the request is made.

(II) At the hearing, the court shall determine, as appropriate:

(A) Whether costs associated with the impoundment, care, and provision, as determined by the impound agency, are fair and reasonable and necessary, which costs shall be specifically itemized by the impound agency prior to the date of the hearing and shall include, at a minimum, an accounting of the costs of upkeep and veterinary services;

(B) Whether there was sufficient probable cause for the impoundment; and

(C) If the court finds probable cause for impoundment existed and the owner or custodian elects not to pay the reasonable impoundment, care, or provision costs to prevent disposition, release of the animal to the impound agency for disposition.

(III) A warrant issued in accordance with C.R.C.P. 41 (b) authorizing seizure of the impounded animal constitutes prima facie evidence of sufficient cause for impoundment.

(IV) If probable cause is found at a hearing conducted under this paragraph (c), the owner or custodian shall file payment for costs at the hearing.

(d) At the end of the time for which expenses are covered by an initial or any subsequent impoundment, care, and provision payment:

(I) If the owner or custodian desires to prevent disposition of the animal, the owner or custodian must file a new payment with the court within ten days prior to the previous payment's expiration.

(II) If the owner or custodian has not timely filed an additional payment for impoundment, care, and provision costs, the impound agency may determine disposition of the animal unless there is a court order prohibiting disposition. Unless subsection (4) of this section applies, the owner or custodian is liable for any additional costs for the care of, provision for, or disposal of the animal.

(2) (a) Failure to pay the impoundment, care, and provision costs pursuant to subsection (1) of this section results in the forfeiture of the right to contest those costs and any ownership rights to the animal in question.

(b) A dog that is not claimed by its owner within five days after being eligible for release from impoundment for investigation of a charge of unlawful ownership of a dangerous dog as described in section 18-9-204.5 is deemed abandoned and may be disposed of as the impound agency deems proper.

(c) If, in the opinion of a licensed veterinarian, an impounded animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.

(3) The court shall order an impound agency to refund to the owner or custodian all impoundment, care, and provision payments made for the animal if, after trial, a judge or jury enters or returns in favor of the owner or custodian a verdict of not guilty for all charges related to the original impoundment of the animal.

(Rev. 9-12)

☐County Court ☐District Court _____ County, Colorado Court Address: _____ People of the State of Colorado v. Defendant: _____	▲ **COURT USE ONLY** ▲ Case Number: Division Courtroom

NOTICE AND PAYMENT FOR COST OF CARE OF ANIMALS PURSUANT TO §18-9-202.5, C.R.S

The purpose of this notice and payment is to provide for the cost of impoundment, care and provision of identified animal(s) in the custody of the impound agency for a period of at least 30 days, including the day on which the animal was taken into custody, pursuant to §18-9-202.5, C.R.S.

Payment Type: ☐Cash ☐Certified Funds

Payment Amount Determined by Impound Agency: $ _____

Type of Animal(s): _____ Number of Animals impounded: _____

(Note: Individual Animals must be identified on a separate document by name, brief description and/or other identifying characteristics).

Payment is for a period of 30 days and commences on _____ (date animal(s) was/were taken into custody).

Payment is made By: _____ (Full Name of Party) _____ (Date of Birth). ____ Owner/Custodian ____ Other

Name of Impound Agency: _____ Telephone Number: _____

Address: _____

By signing below, the Owner/Custodian affirms the following:

I hereby acknowledge that by making this payment it may prevent the disposition of the identified animal(s) and will be used for the impoundment, care of and provision for said animal(s) for thirty days commencing on _____ (date). If however, in the opinion of a licensed veterinarian, an animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without court order pursuant to §18-9-202.5(2)(c), C.R.S.

I understand that the above payment must be filed within 10 days after impoundment, or in the alternative, I may request a hearing to determine (1) whether the costs set forth in this notice are fair and reasonable and necessary for the impoundment, care and provision of said animal(s); and/or (2) whether there was sufficient probable cause for the impoundment. If probable cause is found at the hearing, I will be responsible for filing the payment for costs at the hearing.

I understand that failure to pay the impoundment, care and provision costs may result in a forfeiture of my ownership rights to the said animal(s).

I further understand that at the end of the time for which expenses are covered by the payment, if I wish to prevent disposition of the animals(s), I shall file a new payment with the Court within ten (10) days prior to the previous payment's expiration.

Date: _____

_____
Signature of Defendant Owner/Custodian

_____
Address

_____
City, State, Zip Code

_____
(Area Code) Telephone Number (home)

Executed and acknowledged by the above-named in the presence of the undersigned.

Date: _____

_____
Clerk of Court/Deputy Clerk

❑County Court ❑District Court _____ County, Colorado Court Address: _____ People of the State of Colorado v. Defendant: _____	▲ **COURT USE ONLY** ▲ Case Number: Division Courtroom

STATEMENT OF NON-PAYMENT OF COST OF CARE FOR ANIMALS PURSUANT TO §18-9-202.5, C.R.S.

☐ The Owner/Custodian of the animals identified below, did not deposit funds for the cost of impoundment, care and provision of the animals, identified below, by _____, ten (10) days after _____, the date of impoundment, as required by to §18-9-202.5(1)(b)(I), and the Owner/Custodian did not request a hearing within ten (10) days of impoundment pursuant to §18-9-202.5(1)(b)(II).

☐Owner/Custodian requested a hearing pursuant to §18-9-202.5(1)(b)(II), which was granted and, upon a finding of probable cause for impoundment, Owner/Custodian elected not to pay the reasonable impoundment, care, or provision costs to prevent disposition, pursuant to §18-9-202.5(1)(c)(II)(C).

☐The Owner/Custodian of the animals identified below did not deposit funds for continued cost of impoundment, care and provision of the animals, by_____, within 10 days prior to _____, the expiration of the previous payment, as required by §18-9-202.5(1)(d)(I).

Name of Impound Agency: _____ Telephone Number: _____

Address: _____

Type of Animal(s): _____ Number of Animals impounded: _____
(Note: Individual Animals must be identified on a separate document by name, brief description and/or other identifying characteristics).

_____

Date: _____

_____
Clerk of Court/Deputy Clerk

Montezuma County Sheriff's Office

Steven D. Nowlin - Sheriff

730 East Driscoll
Cortez, Colorado 81321

Telephone 970/565-8452
Fax 970/565-3731
www.montezumasheriff.org

MCSO VOLUNTARY ANIMAL SURRENDER/RELINQUISHMENT

I,_____, on this,_____Day of,_____, do hereby agree to surrender ownership and possession, of the following animal(s), to the Montezuma County Sheriff's Office, as I/we are no longer able to maintain proper care of these/this animal. I agree that I will not attempt to regain ownership in the future.

I further agree to provide the Montezuma County Sheriff's Office with any and all records, including veterinary history, and give my permission for the Montezuma County Sheriff to obtain these records from any and all veterinarians who may have treated these animals in the past.

Animal Descriptions_____

_____

_____

_____

_____ _____

Animal owner Deputy

_____

Witness

MCSO Overdose Prevention Program Report Form narcan.pdf

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Montezuma County Sheriff's Office
Overdose Prevention Program Report Form

Date of Incident:_____

Location of Incident: _____ **Case Report No.** _____

Deputy(s): _____**Gender of the Person who overdosed** ____M ____**F**

Date of Overdose:_____**Time of overdose**:_____

Signs of overdose present: (check all that apply) ___unresponsive ___Breathing slowly

____Not breathing ____Blue lips ___Slow pulse ___No Pulse ___Other_____

Overdose on what drugs? (check all that apply) ___Heroin ___Benzos/Barbituates ___Cocaine/Crack

___Suboxone ___Any other opioid ___Alcohol ___Methadone ___Unknown ___Other_____

Was Naloxone given during overdose? ___YES ___**NO** Nasal _____ Auto Injector_____

If YES, number of doses used: _____

Response to Naloxone: (check one) ___Responsive and alert ___Responsive but sedated

___No Response to Naloxone

Post-naloxone withdrawal symptoms: (check all that apply): ___None ___Dope Sick (e.g. nauseated, muscle aches, runny nose, and/or watery eyes) ___Irritable or Angry ___Physically Combative

___Vomiting ___Other (specify)_____

Did the person survive? ___YES ___NO

Disposition: (check one) ___Care transferred to EMS ___Other (specify)_____

Notes/Comments:

_____

_____

_____

_____

_____

Colordo Sheriff Records Retention Schedule.pdf

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PREFACE

Authority: CRS 24-80-103 provides that all public officers of political subdivisions consult with the department of personnel (i.e. Colorado State Archives) concerning the retention and disposition of records. In order to expedite this process, the Colorado State Archives has developed the *Colorado Sheriffs' Record Retention Schedule*. The schedule has been approved by the State Archivist of Colorado, the Office of the Attorney General, and the Office of the State Auditor.

The Colorado State Archives would like to thank Cherokee Blake, Gilpin County Sheriff Public Information Officer for her efforts and contributions to the creation of the Colorado County Sheriffs' Retention Schedule. We would also like to thank Chris Johnson, executive director, County Sheriffs of Colorado, for his assistance in reviewing the schedule.

The *Colorado Sheriffs' Records Retention Schedule* is intended to provide a comprehensive records retention schedule for most records that are typically kept by any Sheriff. The schedule may list records that an individual Sheriff's Office does not currently have but that it may have in the future.

Each Sheriff may request approval to follow the *Colorado Sheriffs' Records Retention Schedule from the Colorado State Archivist. This is optional and is dependent upon the discretion of each Sheriff. If adopted, the Sheriff* should add notations regarding any local provisions affecting the retention period of its records. Any retention period that is shorter than that provided in the *Colorado Sheriffs' Records Retention Schedule* will be reviewed by the Attorney General's Office. To request approval to follow the Colorado Sheriffs' Records Retention Schedule, complete the **Approval Request Form** or contact the Colorado State Archives.

Subsequent to approval, the records retention schedule will apply to the record copy, regardless of how it is stored (electronic, microfilm, digital image, paper, audio or video recording, etc.). If the record copy of a permanent record is stored in electronic format, carefully determine that the storage system is nonproprietary and whether there is a capability to migrate these records to the next generation of technology.

Important

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

Record Titles and Description

Because the records titles used may not reflect the exact records titles used by everyone, the Retention Schedule provides a short paragraph that describes the use and typical contents of each record.

Retention Periods

Retention periods are based on legal requirements and/or on common usage and industry standards to meet typical administrative, operational or reference requirements. The retention time period indicates the minimum length of time that the record copy should be retained before disposal can take place. Typically, some kind of approval process is in place to authorize the destruction of records in accordance with the Records Retention Schedule.

Evaluate records for continuing legal, fiscal, administrative or historical value and determine whether they are the subject of any legal holds before proceeding with the authorized destruction. It is permissible to either destroy obsolete records at the end of the retention period or to wait until the end of the year the records become eligible for destruction. The Sheriff may dispose of duplicates in accordance with the following guidelines:

- **Duplicate Copies created for convenience or reference.**
  Retain until no longer needed for reference or one (1) year, whichever is first, and then destroy.

Non-Records

Guidelines for identification and handling of some non-records are discussed in *Appendix A – Non-Records of the Colorado Municipal Record Retention Manual.*

Trigger Dates

Trigger dates are included in retention periods whenever possible. A trigger date is the date of an event, action or cut-off point that begins the countdown to the end of the retention period. An example of a trigger date in a retention period is: "***3 years after complaint is resolved***". When a trigger date is not specified, the countdown to the end of the retention period begins on the date the file is closed, the date the file no longer has any administrative or reference value, or the date of the newest document in the file.

Records Descriptions — *Schedule/Item No.*

-A-

Animal Control

- Animal Control Records 01.010
- County Licensing of Dog Tags 01.020
- Registered Guard Dog File 01.030

-C-

Civil

- Civil Jackets 02.010
  - Levy, Attachment, and Sale Jackets ... 02.010.A
  - Record of Service Jackets 02.010.B
- Sheriff's Certificate of Purchase 02.020
- Sheriff's Levy Log 02.030

Communications

- Communication Unit Shift Briefing Sheets. 03.010
- Dispatch Records 03.020
  - Computer Aided Dispatch System (CAD) 03.020.A
  - Dispatch Historical Information Files ... 03.020.B
  - Dispatch Phone and Radio Recording Request Forms 03.020.C
  - Dispatch Recordings 03.020.D
- Emergency 911 ..... 03.030
- Radio 03.040
  - Federal Communication Commission Radio Station Licenses 03.040.A
  - Radio Site Maintenance Log 03.040.B
- Teletypes-National Crime Information Center/ Colorado Crime Information Center (NCIC/CCIC) 03.050

Community Service

- Community Service Files 04.010
- Post Conviction Electronic Monitoring Files 04.020
- Pre-Trial Intake Files 04.030
- Pre-Trial Release Supervision Files 04.040
- Pre-Trial Reports To State Judicial Department 04.050

-D-

Detention – Jail

- Commissary and Kitchen Records 05.010
- Controlled Substances Inventory and Record 05.020
- Daily Record of Jail Commitments and Discharges 05.030
- Fugitive Unit Case Files 05.040
- Immigration Status Reporting: Arrest Reports-Possible Illegal Presence in the U.S. 05.050
- Inmate Records
  - Inmate Case Files 05.060.A
    - Felony Cases-Major Felonies and Violent Crimes 05.060.A
    - Felony Cases (Other) 05.060.A
    - Misdemeanor Cases 05.060.A
    - Sexual Assault Cases (Excluding Sexual Assault on a Child) 05.060.A
  - Inmate Disciplinary Hearing Case Files 05.060.B
    - Felony Cases-Major Felonies and Violent Crimes 05.060.B
    - Felony Cases (Other) 05.060.B
    - Misdemeanor Cases 05.060.B
    - Sexual Assault Cases (Excluding Sexual Assault on a Child) 05.060.B
  - Inmate Incident Reports 05.060.C
  - Inmate Record of Funds (Inmate Cash Control Log) 05.060.D
- Jail Inspection Report/Log 05.070
- Medical Case Files 05.080
- Population 05.090
  - Monthly Jail Population Analysis Files: Body Count 05.090.A
  - Population Statistics Reports 05.090.B
  - Transport Records 05.090.C
- Victims' Inmate Release Notification Cards 05.100

Records Descriptions — *Schedule/Item No.*

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Work Program Records 05.110.A
Court Petitions For Work/Education Program Refusal Files 05.110.B

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Ambulance License Applications & Supporting Documentation-Annual 06.010.A
Ambulance License Inspection Checklists 06.010.B
Ambulance Run and Patient Records 06.010.C
Complaint Forms 06.010.D
Licensing Regulations 06.010.E

Emergency Planning & Response 06.020
Emergency Operations and Management Plans 06.020.A
Emergency Preparedness Planning, Program, Training and General Information Files 06.020.B
Federal Emergency Management Assistance Program Reimbursement Files 06.020.C
Flood & Dam Hazard Files 06.020.D
Incident Records - Disasters and Emergencies 06.020.E
After Action Incident Reviews 06.020.F
Special Needs Registrations 06.020.G
Registration 06.020.G
Database 06.020.G

Weather Station Records 06.030
Weather Station Data 06.030.A
Weather Service Messages 06.030.B
Equipment Testing Records 06.030.C

Evidence and Laboratory

Crime Lab 07.010
Chemical Blood Testing Reports 07.010.A
Felony Investigation That Do Not Result in Charges Filed 07.010.A
Criminal Investigations That Result in a Conviction 07.010.A
Logs 07.010.B
Other Crime Lab Reports 07.010.C

Records Descriptions — *Schedule/Item No.*

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Evidence Logs: Case Specific 07.020.B
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Storage Tank Records of Regulated Substances-Approved Permits 08.010.A
Denied Permits and Supporting Documentation 80.010.B

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Patrol

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Felony Case Records-Major Felonies And Violent Crimes 10.020.B
Felony Case Records (Other) 10.020.C
Misdemeanor Case Records 10.020.D
Missing Persons Including Runaways 10.020.E
Sexual Assault Case Records 10.020.F
Traffic Accident Case Records 10.020.G

Community Relations Records 10.030

Field Contact 10.040
Daily Field Activity Reports (DFAR) 10.040.A
Field Contact Records 10.040.B

Intoxilizer Log 10.050

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Ride-Along Program Records	10.070
Vehicle Records	10.080
Abandoned Vehicles	10.080.A
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Enduring Long-Term Value	11.010.A
Routine Value	11.010.B
Transitory Value	11.010.C
Dispatch Phone and Radio Recording Request Forms	11.020
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Enduring Long-Term Value Email	11.030.B
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Transitory Value Email	11.030.B
Email Attachments and Records Linked Within an Email Message	11.030.B
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Grant Files	11.060
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Records Descriptions	*Schedule/Item No.*
-V-	
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-W-	
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SCHEDULE NO. 01

ANIMAL CONTROL

General Description: Records relating to the animal control functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

01.010 ANIMAL CONTROL RECORDS

Records relating to Animal Control Enforcement actions, including: animal bite reports, animal impound files, officer incident reports, official warning notices, uniform penalty assessments/summons and complaints, and cruelty investigation files.

Retention: 3 years after final disposition of case

01.020 COUNTY LICENSING OF DOG TAGS

Records of issuance of county dog tags to canine owners.

Retention: 2 years after expiration, revocation, denial or termination of license activity

01.030 REGISTERED GUARD DOG FILE

Information on guard dogs, including descriptions of animals, commands, name of contact person, vaccination and veterinary history.

Retention: Life of dog or until it is removed from the county

SCHEDULE NO. 02

CIVIL

General Description: Records relating to civil functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

2.10 CIVIL JACKETS:

A. ***Levy, Attachment, and Sale Jackets***
Jackets containing notice of levy, writ of attachment, judgment execution decree, foreclosure decree, proof of publication, bonds, sheriff's sale continuance, property seizure form, sales documentation, memoranda, notes, and other documentation concerning levies, attachments, and sales executed by the sheriff.
[General Reference: CRS 30-10-515]

Retention: 7 years after case closure

B . ***Record of Service Jackets***
Civil case jacket and routing slip containing a record of service of civil documents presented for service, correspondence, and copies of documents served
[General Reference: CRS 30-1-106]

Retention: 3 years

02.020 **SHERIFF'S CERTIFICATE OF PURCHASE**
Record of certificate of purchase issued after a foreclosure sale containing: names of original grantors of the deed of trust being foreclosed, description of the property, sum paid for the property, name and address of purchaser, statement that the purchaser shall be entitled to a confirmation deed at the expiration al all redemption periods, the deficiency under the evidence of debt, public trustee's sale number or district court civil action number, date of sale, copy of order authorizing sale, copy of mailing lists.
[CRS 38-38-401.]

Retention: Permanent

02.030 **SHERIFF'S LEVY LOG**

Log and/or computer database of sheriff's levy, attachment, and sale cases, indicating the type of document received, date received, date issued, court case number, plaintiff and defendants' names, and disposition of the case.

Retention: Permanent

SCHEDULE NO. 03

COMMUNICATIONS

General Description: Records relating to the communication functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

03.010 COMMUNICATION UNIT SHIFT BRIEFING SHEETS

Summaries of Sheriff's Communication Unit activity maintained by each shift to inform incoming shifts of previous shift activities.

Retention: 2 months

3.20 DISPATCH RECORDS

A. Computer Aided Dispatch System (CAD)

On-line computer database containing information on all calls for service received by the Sheriff's Office and dispatched.

Retention: 5 years

B. Dispatch Historical Information Files

Historic communications; information relating to County dispatch functions, training, equipment, etc.

Retention: Permanent

C. Dispatch Phone and Radio Recording Request Forms

Cross-reference: See Records Section #11.020

D. Dispatch Recordings

Audio recordings made to monitor and record law enforcement and other protective or emergency services; radio transmissions, including police and fire radio transmissions; police emergency 911 calls and fire, rescue or ambulance dispatch calls.

Retention: 90 days

03.030 EMERGENCY 911

Records relating to emergency 911 and reverse 911 system, including citizen notifications.

Retention: 2 years

3.40 RADIO:

A. Federal Communication Commission Radio Station Licenses

Official radio station licenses issued by the FCC.
[General Reference: 47CFR 90.15 - 90.20]

Retention: 1 year after expiration of license.

B. Radio Site Maintenance Log

Log containing a summary of all radio maintenance and other maintenance activities completed at radio transmitter sites, as required by FCC regulations.
[General Reference: CFR47 90.443 & 90.447]

Retention: 2 years

03.050 TELETYPES - NATIONAL CRIME INFORMATION CENTER/COLORADO CRIME INFORMATION CENTER (NCIC/CCIC)

Informational teletypes received via NCIC and CCIC for entry to the sheriff department's computer system; follow-up teletypes from other law enforcement departments.

Retention: 30 days

SCHEDULE NO. 04

COMMUNITY SERVICE

General Description: Records relating to the community service functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

04.010 COMMUNITY SERVICE FILES

Records relating to community service ordered by District and County courts (also known as alternative service/useful public service). Includes contracts with community service clients and follow-up after completion of community service.
[General Reference: CRS 18-1.3-507, CRS 19-2-308, CRS 42-4-1701]

Retention: 6 years after completion of community service

04.020 POST CONVICTION ELECTRONIC MONITORING FILES

Records relating to the alternative sentencing option of electronic monitoring (also known as "home detention"), which allows a defendant to remain gainfully employed while serving a court-ordered sentence. By statute, the defendant is only allowed out of his or her residence for work, court-ordered treatment and medical related matters. Community Justice Services is able to monitor a defendant's alcohol consumption and whereabouts electronically, which holds the defendant accountable for court-ordered conditions of home detentions.
[General Reference: CRS 18-1.3-106(4)]

Retention: 6 years after completion of electronic monitoring

04.030 PRE-TRIAL INTAKE FILES

Bond reports on defendants at the time of booking into the detention facility to be used by District or County courts to set appropriate bonds on criminal cases; records of investigations of defendants who fail to appear for their scheduled court dates and arrangements for defendants to turn themselves in or to be picked up by law enforcement.
[General Reference: CRS 16-4-102, CRS 16-4-103, CRS 16-4-104. CRS 16-4-105 CRS 16-4-105(1)(n.5): No release on personal recognizance if the person's criminal record indicates that he or she failed to appear on bond in any case involving a felony or class 1 misdemeanor charge in the preceding 5 years, unless the DA consents]

Retention: 6 years after completion of pre-trial supervision

04.040 PRE-TRIAL RELEASE SUPERVISION FILES

Records relating to supervision of defendants who are released from jail during the pre-trial stage of their criminal case, including reviews and verifications of initial evaluations of a defendant, determinations of the person's risk and needs, bond conditions of release, and reports to District or County courts on defendant's compliance or noncompliance with court-ordered conditions of bond.
[General Reference: CRS 16-4-102, CRS 16-4-103, CRS 16-4-104, CRS 16-4-105: CRS 16-4-105(1)(n.5): No release on personal recognizance if the person's criminal record indicates that he or she failed to appear on bond in any case involving a felony or class 1 misdemeanor charge]

Retention: 6 years after completion of pre-trial release supervision

04.050 PRE-TRIAL REPORTS TO STATET JUDICIAL DEPARTMENT

Annual reports required by State law on number of interviews conducted with defendants, number and nature of recommendations made, number of defendants under pre- trial release supervision who failed to appear.
[General Reference: CRS 16-4-105(2)(e)]

Retention: Permanent

SCHEDULE NO. 05

DETENTION – JAIL

General Description: Records relating to the detention-jail functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

05.010 COMMISSARY AND KITCHEN RECORDS

Documentation of the routine operations and control of jail commissary, kitchens, and canteens. This series may include, but is not limited to, commissary reports, food logs, meal counts, meal plans, order forms, copies of accounting records, inventory control documents, supply reports, use reports.

Retention: 6 months

05.020 CONTROLLED SUBSTANCES INVENTORY AND RECORD

Biannual inventory of controlled substances on hand, log of controlled substances received and dispensed to inmates by prescription, records of controlled substances surrendered to the Drug Enforcement Administration.
[CRS 27-80-210]

Retention: 2 years after the respective dates of the transactions as shown on the inventories

05.030 DAILY RECORD OF JAIL COMMITMENTS AND DISCHARGES

Sheriff's daily record of commitments and discharges of all persons delivered to his/her custody, showing date of entrance, name, offense, term of sentence, fine, age, sex, citizenship, how and by whom committed, and when and by whom discharged.
[General Reference: CRS 17-16-118]

Retention: Permanent

05.040 FUGITIVE UNIT CASE FILES

Case files containing case number, name of inmate, agency, copies of warrants, tracking sheet, communications, copies of extradition waivers, end of month reports, activity logs and sheets. Used to track legal process on extraditions.

Retention: 10 years after case is closed

05.050 IMMIGRATION STATUS REPORTING: ARREST REPORTS-POSSIBLE ILLEGAL PRESENCE IN THE U.S.

Reports made to U.S. Citizenship and Immigration Services (USCIS) regarding any person arrested that the law enforcement department believes is not legally present in the United States; and reports to the Colorado Legislative Council of the total number of reports made to USCIS.
[General Reference: CRS 29-29-1003]

Retention: 3 years after last contact

5.60 INMATE RECORDS

A. Inmate Case Files

Records used to document information on persons confined in a jail or detention facility. File can contain identifying information, criminal history, mug shots, fingerprint cards, copies of police/arrest records, work release records, release orders, kites, detention classification files, grievance files, and other records pertaining to the inmate's confinement.

1. Felony Cases - Major Felonies and Violent Crimes

Cases such as arson with fatalities, homicides, kidnapping, deaths related to criminal acts, sexual assault on a child, forgery and officers killed.
[CRS 16-5-401]

Retention: Permanent

2. Felony Cases (Other)

Other felony cases, special investigations related to aggravated assault, arson without fatalities and similar cases.
[CRS 16-5-401]

Retention: 10 years after inmate is released

3. Misdemeanor Cases

Misdemeanor cases, petty offenses, traffic offenses and similar cases.
[CRS 16-5-401]

Retention: 3 years after inmate is released

4. Sexual Assault Cases (Excluding Sexual Assault on a Child)

Case files related to the investigation of a sex assault crime.

Retention: 99 years

B. Inmate Disciplinary Hearing Case Files

Files for each disciplinary board hearing held as a result of rule infractions by inmates/detainees, containing: investigation reports, notification of board hearings, audio tape of hearings and result sheet showing the outcome of the hearing.

1. Felony Cases - Major Felonies and Violent Crimes

Cases such as arson with fatalities, homicides, kidnapping, deaths related to criminal acts, sexual assault on a child, forgery and officers killed.
[CRS 16-5-401]

Retention: Permanent

2. Felony Cases (Other)

Other felony cases, special investigations related to aggravated assault, arson without fatalities and similar cases.
[CRS 16-5-401]

Retention: 10 years after inmate is released

3. Misdemeanor Cases

Misdemeanor cases, petty offenses, traffic offenses and similar cases
[CRS 16-5-401]

Retention: 3 years after inmate is released

4. Sexual Assault Case (Excluding Sexual Assault on a Child)

Case files related to the investigation of a sex assault crime.

Retention: 99 years

C. Inmate Incident Reports

Reports of incidents occurring in the jail, containing the inmate/detainee's name, date and time of incident, names of other inmates involved, and narrative description of the incident.
[General Reference: CRS 17-26-112]

Retention: 10 years after inmate is released

D. Inmate Record of Funds (Inmate Cash Control Log)

Daily log of every cash amount received or disbursed on behalf of inmates/detainees.

Retention: 7 years

05.070 Jail Inspection Report/Log

County health department reports of inspections in jail kitchen and other jail facilities, and correspondence and memoranda concerning the inspections and remedial action taken concerning inspections.
[General Reference : CRS 25-1.5-101 (1) (i) (iii); 30-11-104 ; CRS 17-26-126]

Retention: 7 years

05.080 Medical Case Files

Case files on inmates/detainees containing intake medical screening sheets, treatment records, medication records, laboratory test results, requests for treatment, dental records, suicide watch, and medication authorization forms.
[General Reference: 42CFR1003.132]

Retention: 7 years after the last date of treatment, or 7 years after the patient reaches age 18- whichever is later

5.90 Population

A. Monthly Jail Population Analysis Files: Body Count

Jail Annex roster by room/module reports, and daily call in logs. Used to generate a monthly report providing statistics for the quarterly and year-end jail population statistics reports.

Retention: 3 years

B. Population Statistics Reports

Compiled from monthly report of unit activities, jail annex population statistics reports, work/education release program statistical reports, transportation reports, counseling meeting attendance reports, monthly officer training reports, weekly inmate/detainee roster reports, and quarterly statistic reports. Used to document number of inmates/detainees and inmate/detainee activities processed by the department.

Retention: 3 years

C. Transport Records

Log of inmates transported by sheriff's department, containing inmate's name, dates and times of transport, court times, and name of transporting deputy.
[General Reference: CRS 30-10-51]

Retention: 2 years

05.100 Victims' Inmate Release Notification Cards

Cards used to notify victims of release of inmate. Cross Reference: See Victim Services, Item # 13.030

5.110 Work /Education Release

A. Work Program Records

Records used to document and administer inmate work programs. Contains inmate information, disciplinary forms, job listing forms, agreement related program reports, and other related documents.

Retention: 3 years after release from program

B. Court Petitions for Work/Education Program Refusal Files

Court documents describing arrest, conviction, sentencing information, and memoranda, explaining reasons for refusal of acceptance into the Work/Education Release program.

Retention: 6 years

SCHEDULE NO. 06

EMERGENCY MANAGEMENT

General Description: Records relating to the emergency management functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

6.10 AMBULANCE LICENSING & OPERATION

[General Reference: CRS 25-3.5-301 - 25-3.5-308, 6CCR 1015-3]

A. Ambulance License Applications & Supporting Documentation - Annual

Application forms, ambulance service's written policy & procedure manual, operational or medical protocols, proof of insurance, or other documentation.

Retention: 2 years after license or certification expires

B. Ambulance License Inspection Checklists

Checklists of inspections completed annually for motor vehicle condition, pre-inspection, basic life support, advanced life support.

Retention: 3 years

C. Ambulance Run and Patient Records

Call sheets, logs, patient treatment and transport or other records of ambulance runs.

Retention: 5 years

D. Complaint Forms

Forms completed for complaints against ambulance services licensed in the County or allegations of unlicensed ambulance services or vehicles without a valid permit operating in the County.

Retention: 3 years + current after complaint is resolved

E. Licensing Regulations

Regulations adopted by the County for licensure of ambulance services.

Retention: Permanent

6.20 EMERGENCY PLANNING & RESPONSE

A. Emergency Operations and Management Plans

Records relating to disaster, emergency and civil defense planning and implementation and testing of disaster warning systems. Includes emergency operations plans, incident response plans, and disaster management, response and recovery plans.
[General Reference: CRS 24-33.5-701]

Retention: Permanent

B. Emergency Preparedness Planning, Program, Training and General Information Files

Correspondence, memoranda, reports and other supporting documentation concerning emergency planning, emergency training and training exercises, and emergency equipment availability.
[General Reference: CRS 25-3.5-701, Homeland Security Presidential Directive 5 & 8]

Retention: Permanent

C. Federal Emergency Management Assistance Program Reimbursement Files

Reimbursement claims submitted to FEMA for emergency management activities, copies of claim vouchers; copies of payroll registers; completed PW (Project Worksheet), special considerations questions form, estimated and actual costs; force account labor; force account equipment, materials, and purchases; photographs of damage, work underway and completed; insurance information; environmental and historic alternatives and hazard mitigation opportunities considered; environmental review; receipt and disbursement documents; and records of donated goods and services.
[General Reference: CRS 25-3.5-701, Homeland Security Presidential Directive 5 & 8]

Retention: 3 years from notification the project is closed

D. Flood & Dam Hazard Files

Correspondence, copies of state engineer inspection reports on dam structures and copies of contingency plans for action in the event of a dam failure.

Retention: Permanent

E. Incident Records - Disasters and Emergencies

Documentation of the extent and impacts of major natural or manmade disasters and emergency incidents and actions taken in response to such incidents; includes damage assessment and response reports, situation and resource allocation reports, incident plans, financial documentation , photographs, videotapes, and similar incident-related documentation. A major disaster or emergency incident is defined as one that may have historical significance and/or a federal or state disaster declaration.

Retention: Permanent

F. After Action Incident Reviews

Post-incident critique that allows emergency responders to get a clear idea of the effects of their actions on the outcome of their operation.

Retention: 3 years then review prior to destruction of the records to determine any continuing value

G. Special Needs Registrations

The registry contains information about individuals with special needs who may require assistance in the event of a disaster.

1. Registration

Retention: 1 year + current after name is removed from the registry

2. Database

Retention: Until superseded

6.30 WEATHER STATION RECORDS

Records relating to remote automated weather (RAW) station reporting needed to determine fire danger.

A. Weather Station Data

Retention: 90 days

B. Weather Service Messages

Transmissions of weather service advisory messages and copies of law enforcement agency acknowledgements of receipts.

Retention: 2 years

C. Equipment Testing Records

Retention: Life of equipment + 1 year

SCHEDULE NO. 07

EVIDENCE AND LABORATORY

General Description: Records relating to the evidence and laboratory functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

7.10 Crime Lab

A. Chemical Blood Testing Reports

(Crime Lab Reports)
Reports requested by the sheriff's department for chemical blood testing (such as DNA testing) to determine genetic markers, performed by CBI or other agencies
[General Reference: CRS 18-1-1101, et. Seq.]

1. Felony Investigations That Do Not Result in Charges Filed

[CRS 18-1-1103(1)]

Retention: Life of case file

2. Criminal Investigations That Result in a Conviction

[CRS 18-1-1103(2)]

Life of defendant

B. Logs

Automatic fingerprint identification system (AFIS) fingerprint logs, crime scene processing logs, laboratory field work logs, laboratory work logs, marijuana testing logs, etc.

Retention: Permanent as documentation of qualifications of crime lab technicians as expert witnesses

C. Other Crime Lab Reports

Reports regarding crime lab work and findings, and supporting documentation such as laboratory request forms, vehicle hold/release sheets, sketches, etc.

Retention: Life of related case file

7.20 Evidence Records

Records pertaining to the collection and storage of evidence collected at crime scenes and during police investigations. Note: Physical evidence, including DNA evidence, is destroyed in consultation with, and upon written authorization from, the district attorney. Since the retention and destruction of physical evidence related to crimes is determined by the law enforcement agency in consultation with the district attorney, the retention of such physical evidence is therefore not covered in this Retention Schedule. Note: Retention periods apply provided that offenses are not affected by statute of limitations.

A. Evidence and Property Audit Records

Audit reports detailing the authorized destruction or disposal of property and evidence associated with sheriff cases, including drugs, drug paraphernalia, weapons, currency, explosives, armored or bulletproof clothing, unlawful property, etc.

Retention: Until completion of next succeeding evidence and property audit

B. Evidence Logs: Case Specific

Logs documenting the receipt, transfer and release of materials taken into evidence for specific cases, including property reports, release records, evidence tags and similar records.

Retention: Life of related case file or life of defendant, whichever is later

C. Evidence and Property Room Sign-In Log

Log of persons admitted to the evidence and property storage area.

Retention: Permanent

D. *Lie Detector Test*

Administration Records

Records retained by the test administrator to document expertise in the administration of lie detector tests using the computer voice stress analyzer, polygraph and other detector test equipment.

Retention: Permanent

SCHEDULE NO. 08

FLEET

General Description: Records relating to the fleet functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

8.10 STORAGE TANK RECORDS

A. Storage Tank Records of Regulated Substances - Approved Permits

Records related to aboveground and underground storage of regulated substances such as gasoline, crude oil, fuel oil and diesel oil, including permits and supporting documentation, applications, site information, emission inspections, monitoring, spills and cleanups, testing, upgrade installations, reports of financial condition required by CDPHE, proof of insurance coverage and financial responsibility, revocations, etc. [General Reference: 7 CCR 1101-14]

Retention: 6 years after removal of tank

B. Denied Permits and Supporting Documentation

Retention: 3 years after denial

8.20 VEHICLE RECORDS

A. Fuel Inventory and Usage Records

Records pertaining to fuel usage, including periodic fuel usage reports.

Retention: 3 years

B. Registrations

Title registration cards for vehicles owned by the Sheriff's Department.

Retention: Until vehicle is no longer under Sheriff's Department control, or life of vehicle + 1 year and/or after audit.

C. Inspection and Maintenance Documentation

Records pertaining to maintenance and inspections performed for vehicles including those records required by State and federal regulations; includes manufacturer-issued manuals and warranties, inspection reports, vehicle maintenance histories and work orders providing the only available vehicle history.

Retention: Until vehicle is no longer under Sheriff's Department control or life of vehicle + 1 year

D. Video Recordings - Vehicle and Officer Recording Systems

Video recordings and logs made from police vehicle or officer-carried recording systems

Cross Reference: See Records, Item # 911.100

SCHEDULE NO. 09

INTERNAL AFFAIRS

General Description: Records relating to the Internal Affairs functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

09.010 Internal Affairs Investigations (Unsubstantiated)

Records pertaining to internal investigations regarding sheriff personnel conduct or actions (i.e., reviews of use of force, pursuits, officer-involved traffic accidents), including allegations of misconduct, polygraph records, board of inquiry or internal affairs administrative inquiries and proceedings, and any subsequent disciplinary actions. Note: Substantiated investigations and substantiated review and disciplinary documentation should be transferred to the record copy custodian for personnel records to be retained or destroyed according to personnel policy unless there are conflicts with union policy.

Retention; 5 years

SCHEDULE NO. 10

PATROL

General Description: Records relating to the patrol functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

10.010 ALARM RECORDS

Records of false alarms, warnings issued and user fee assessments; notifications of unreliable alarm systems, etc.

Retention: 2 years after completion

10.20 CASE RECORDS

Case files, incident reports, offense reports, crime stoppers reports, activity summaries, accident reports, fingerprint cards and files, photographic records of suspects and persons convicted of crimes (including photographic prints and negatives), photographic records of crime scenes (including photographic prints and negatives), video and audio recordings of crime scenes and interviews with witnesses or suspects, lie detector test records and other records pertaining to cases handled by the sheriff's department.

A. Death Case Records - Noncriminal

Retention: 10 years

B. Felony Case Records - Major Felonies and Violent Crimes

Cases such as arson with fatalities, homicides, kidnapping, deaths related to criminal acts, sexual assault on a child, forgery, officers killed and similar cases.
[CRS 16-5-401.]

Retention: Permanent

C. Felony Case Records (Other)

Other felony cases, special investigations related to aggravated assault, arson without fatalities and similar cases.
[CRS 16-5-401]

Retention: 10 years

D. Misdemeanor Case Records
Misdemeanor cases, petty offenses, traffic offenses and similar cases [CRS 16-5-401]

Retention: 3 years

E. Missing Persons Including Runaways
Until Located

F. ***Sexual Assault Case Records***
(Except Sexual Assault on a Child)
Case files related to the investigation of a sex assault crime

Retention: 99 years

G. Traffic Accident Case Records

1. Fatal Traffic Accidents

Retention: 10 years

2. Non-Fatality Traffic Accidents

Retention: 3 years

10.030 COMMUNITY RELATIONS RECORDS
Records of outreach and public relations efforts, neighborhood mediation, presentations, and similar community outreach efforts.

Retention: 2 years after completion

10.40 FIELD CONTACT

A. Daily Field Activity Reports (DFAR)
Daily log of deputies' supervisors' and other personnel's activities during shifts, showing times and locations of calls, and statistics based on activities

Retention: 2 years

B. Field Contact Records
Records of contacts with businesses, complainants, juveniles, victims or witnesses after which no incident report is filed.

Retention: 3 years

10.050 INTOXILIZER LOG
Log of intoxilizer tests conducted to determine suspects' level of intoxication, showing date and time of test; name, date of birth, and sex of subject; arresting officer; testing officer; test results; and case report number.

Retention: 3 years

10.060 LICENSE PLATE RECOGNITION DATA

Data and images recorded by means of automated license plate recognition systems (one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data) used to capture license plate numbers for parking enforcement, booting, stolen vehicle identification or other law enforcement purposes.

Retention: 21 days except that "hits" are retained for life of related case file

10.070 RIDE-ALONG PROGRAM RECORDS

Records of programs that allow citizens to ride along with police officers

Retention: 3 years

10.80 VEHICLE RECORDS

A. Abandoned Vehicles

Impound Notice, Report of Abandoned Vehicle, Report of Sale of Abandoned Vehicle

Retention: 2 years after last action or final payment

B. Vehicle Impound Records

Records documenting the impoundment of licensed and nonlicensed motorized vehicles and sports craft that have been taken into custody for violations of laws that govern their use, operation and ownership.

Retention: 2 years after vehicle is released to owner or otherwise disposed of

SCHEDULE NO. 11

RECORDS/ ADMINISTRATION

General Description: Records relating to the records administration functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

11.10 CORRESPONDENCE AND GENERAL DOCUMENTATION

Correspondence is a written communication that is sent or received via the U.S. mail, private courier, facsimile transmission or electronic mail, including letters, postcards, memoranda, notes, telecommunications and any other form of written communications. The term general documentation is intended to cover a wide variety of records created in the normal course of business.

A. Enduring Long-Term Value

Documentation or correspondence, including e-mail messages, with lasting long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events; and other similar records and documentation.

Retention: Permanent

B. Routine Value

Routing operating documentation or correspondence with limited administrative, legal, fiscal, historical, informational or statistical value. Includes routine e-mail messages, letters or memoranda, reading or chronological files that contain duplicates of memos or letters also filed elsewhere, routine requests for information, transmittal documents, etc.

Retention: 2 years

C. Transitory Value

General documentation or correspondence of extremely short-term value, including advertisements, drafts and worksheets, desk notes, copies of materials circulated for informational "read only" purposes, other records, including e-mail messages, with preliminary or short-term informational value.

Retention: Until material has been read

11.020 DISPATCH PHONE AND RADIO RECORDING REQUEST FORMS

Retention: 1 year

11.30 ELECTRONIC RECORDS

A. Electronic Records in General

Computer generated and maintained records and associated metadata in electronic formats retained for recordkeeping purposes, including, but not limited to: audio and video digital recordings; email messages and attachments; imaged records; databases, and word processing files; recorded videoconferences; digital photographs; geographic information systems datasets; and all other records retained in electronic format.

1. Electronic Records (Copies) Retained Solely for Convenience

Retention: Until no longer needed, **Provided** that definitive or record copy of record is retained for applicable retention period.

2. Electronic Records Retained for Recordkeeping Purposes

Retention: Based on content, retain for retention period for specific type of record; i.e., electronic records have the same retention periods as paper or microfilm records with the same content. Note: For records that have long retention periods (10 years or longer) see:
Guidelines for Long Term Preservation of Records

B. Email

CRS 24-80-101 specifies that electronic mail messages are not records "unless the recipient has previously segregated and stored such messages as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the value of the official governmental data contained therein." Generally, e-mail messages can be described as correspondence. Email attachments or records linked within email messages should be retained with like record series outside of the email system. Metadata should also be retained with the corresponding email message or attachment.

1. Enduring Long-Term Value Email

See item #1A

Retention: See Item # 11.010A

2. Routine Value Email

See item #1B

Retention: See Item # 11.010B

3. Transitory Value Email

See item #1C

Retention: See Item # 11.010C

4. ***Email Attachments and Records Linked Within an Email Message***

Retention: Follow retention periods set forth for comparable records (e.g., case files)

C. Social Media Records

Records relating to social media such as Twitter, Facebook, YouTube, LinkedIn, etc. Includes posts, comments, screenshots, downloads, back-up records

Retention: 2 years

11.040 EXPUNGEMENT RECORDS

Records of sealing or expungement

Retention: Until sealed record is destroyed pursuant to Retention Schedule

11.050 GENERAL ORDERS ISSUED BY SHERIFF

Directives or standard operating procedures issued by the Sheriff governing the overall operation and administration of the department

Retention: Permanent

11.60 GRANT FILES

A. Awarded Grants

Files pertaining to the application, administration, and monitoring of grants such as Law Enforcement Assistance Fund (LEAF), Department of Local Affairs (DOLA), victim assistance grants, etc. May include award modifications, budget and finance reports, correspondence, reports required by the granting agency, and close out letter

Retention: 3 years after the submission of the final grant report, provided the requirements of the granting agency have been satisfied.

B. Rejected Grants

Files pertaining to the application process for grant funds

Retention: 2 years after rejection or withdrawal

11.70 IMMIGRATION STATUS REPORTING RECORDS

A. Arrest Reports-Possible Illegal Presence in the U.S.

See Detention-Jail, Item #5

B. Systematic Alien Verification for Entitlements (SAVE) Program Records

Reports relating to verification of U.S. citizenship status of applicants for local licenses, credentials, rebates, employment and/or benefits

Retention: 3 years

11.80 INTELLIGENCE FILES

A. Confidential Informant Files

Information pertaining to the identity of confidential informants, including, but not limited to, the informant's name, address, telephone number, race, sex, height, hair and eye color, social security number, date of birth, criminal history report, fingerpring card, photographs, and names of family members, may include records of any payments to the informant.

Retention: 5 years following last contact with informant.

B. Intelligence Files

Records containing information regarding individuals and groups.
Reference: (28 CFR 23.20(h))

Retention: No longer than 5 years after becoming obsolete or no longer relevant

C. Logs

Listings tracking specific routine daily activities, such as alarm check, logs of court subpoenas served, logs of crimes in specific areas, criminal history check log sheets retained for National Crime Information Center (NCIC) audits, authorized firearms, dispatch logs, DUI logs, home check logs, offense logs, trafffic accident, welfare check, log of warrants and detainers received from other jurisdictions, inmate mail logs, etc.

Retention: 2 years

11.90 NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

A. Statistical Files

Indexes for statistical reporting of data by class of crime and other statistical information.

Retention: 5 years

B. Uniform Crime Report

Annual crime report sent to NIBRS

Retention: Permanent

11.100 PASSIVE SURVEILLANCE RECORDS

Records created by a digital video camera, video tape camera, closed circuit television camera, film camera, photo radar recorder, or other image recording device positioned to capture moving or still pictures or images of human activity on a routine basis or for security or other purposes per CRS 24-72-113. Not applicable to passive surveillance records of any correctional facility or local jail.

A. Records for which no notice of claim has been filed, or there has been no specific incident that may cause the record to become evidence in any proceeding

Retention: 1 year after creation of record.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

(Note: record must be destroyed at the expiration of the retention period)
CRS 24-72-113 (2) (a)

B. Records for which there has been a notice of claim filed
Record must also include the person who accessed the record and the reason for which the record was accessed per CRS 24-72-113 (2) (a)

Retention: 3 years after creation of record
(Note: record must be destroyed at the expiration of the retention period)
CRS 24-72-113 (2) (a)

11.110 REGISTERED SEX OFFENDERS

A. Information Request Forms - Sex Offenders
Forms completed by parties interested in inspecting public information regarding sex offenders.

General Reference: CRS 16-22-112

Retention: 2 years after request is answered

B. Sex Offender Registration and Cancellation Forms
Notifications completed by convicted sex offenders regarding residence addresses and contact information.

General Reference: CRS 16-22-108

Retention: 5 years after offender leaves jurisdiction
Note: CCIC keeps permanently

C. Sexually Violent Predators - Public Notifications
Notices given to the public regarding sexually violent predators in the community

General Reference: CRS 16-22-108 & CRS 18-3-414.5

Retention: Permanent

11.120 REQUESTS FOR RELEASE OF INFORMATION
Requests for public release of information such as E-9-1-1, dispatch phone and radio recordings, reports, incident histories, etc.

Retention: 2 years after request is answered

11.130 **SEIZURE FUND DOCUMENTATION**
Records relating to the fund for monies accrued as a result of court-ordered seizures and disposition of property connected to vice, narcotics and other crimes.

Retention: 7 years

11.140 TRAFFIC CITATIONS

Duplicate copy of traffic citations issued

Retention: 2 years

11.150 WEAPONS AND FIREARMS

A. Authorizations to Carry - Officers

Records of types of firearms and weapons carried by officers Including authorization to carry weapons, maintenance, indication that the weapon has been checked, and that the officer qualifies to use it.

Retention: 2 years after weapon is no longer in use

B. Concealed Handgun Permit

Concealed Handgun Permit (CCW) application forms, CCW checklists, identification photograph, case notes and other related investigative documents.

Retention: 2 years after expiration, revocation, denial or termination of permitted use

SCHEDULE NO. 12

RECRUITMENT AND TRAINING

General Description: Records relating to the recruitment and training functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

12.010 EMPLOYEE TRAINING FILES

Records documenting training for sheriff personnel, including K-9 training records.

Retention: 5 years after employee's termination

12.020 FIREARMS TRAINING AND QUALIFICATIONS FILES

Daily range score sheets containing names of trainees, weapons used and shooting scores, monthly, quarterly and annual firearms reports, weapon repair record, Special Weapons and Tactics (SWAT) firearms training records, Special Operations Response Team (SORT) training records, log of authorized ammunition, and less than lethal weapons records. Used to track firearms usage, training proficiency, maintenance, and firearms directives.

Retention: 4 years

12.30 SHERIFF TRAINING ACADEMY INFORMATION FILES

Curricula including lesson plans, outlines and other material, approved by the State used in courses taught at the training academy, Peace Officer Standards Training (POST) regulations, list of instructors, written exams and test scores, student identification copies of certificates, copies of affidavits required by the state, copies of official training photographs, copies of POST approval documents, copies of ratings criteria for skills requirements, copy of applicable field training instructions manual and sign-off sheet. Used to verify that a sworn peace officer has met state requirements for POST state certification.

A. Peace Officer Standards Training (POST) Files

Retention: Permanent

B. Lesson Plans, Outlines, and Other Materials Used In Courses

Retention: 7 years

12.040 TRAINING INSTRUCTOR CRITIQUES

Critiques by students of every class and its instructor, used to evaluate instructors' effectiveness'

Retention: 2 years after completion of training

12.050 TRAINING REQUESTS

Requests from department employees for outside training with approvals by the training unit and division commander, and evaluations of the training after attendance.

Retention: 2 years after completion of training

SCHEDULE NO. 13

VICTIM SERVICES

General Description: Records relating to the victim services functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

13.010 CASE FILES

Crime victim case files, each containing basic personal information about victim; log and narrative report of contacts with the victim, services provided, and program items supplied. Used to track cases and to document that mandated services were offered or provided to victims (including property crimes).

General Reference: CRS 24-4.1-302.5 - 24-4.1-303

Retention: 4 years after case is closed

13.020 GRANT RECORDS

Cross Reference: Records/Administration, Item #11.060

13.030 VICTIMS' INMATE RELEASE NOTIFICATION CARDS

Cards used to notify victims of release of inmate.

General Reference: CRS 24-4.1-302.5 - 24-4.1-303

Retention: Permanent

SCHEDULE NO. 14

WARRANTS

General Description: Records relating to the warrants functions.

This document does not provide legal authority or authorization for destruction of records by any Sheriff until it is approved for use for that Sheriff by the Colorado State Archives.

NO RECORD SHALL BE DESTROYED UNDER THIS SCHEDULE AUTHORITY SO LONG AS IT PERTAINS TO ANY PENDING LEGAL CASE CLAIM ACTION OR AUDIT.

14.010 WARRANTS FOR ARREST OR DETAINMENT (DUPLICATE COPY)
Orders issued by the court for the arrest or detainment of an individual, including CCIC teletypes and computer printouts pertaining to warrant life cycle from initial court entry into CICJIS to final cancellation.

Retention: 6 months after cancellation (Court retains original)

14.020 WARRANTS AND DETAINERS ISSUED BY OTHER AGENCIES
Warrants, detainers, and mittimi received from other law enforcement agencies.

Retention: Until warrant is satisfied or cancelled

Emergency Mental Illness Report.pdf

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EMERGENCY MENTAL ILLNESS REPORT AND APPLICATION

DATE:	TIME:

Name: , hereafter referred to as RESPONDENT

Address: Street City ZIP DOB:

Place of Contact:

Previous Psychiatric Care: Where When

Who brought Respondent's condition to the attention of the undersigned?:

Nearest Relative: Name Relationship:

Address: Street City ZIP Phone:

Appearance and General Behavior: (Circle items that apply)

Dress:	Neat	Untidy	Dirty	Eccentric
Posture:	Erect	Tense	Relaxed	Lying Down
Facial Expression:	Fixed	Changing Angry	Perplexed Sad	Happy Suspicious
Physical Activity:	Normal	Underactive	Overactive	

Emotional Reaction: (Circle items that apply)

Attitude: Composed Polite Cooperative Reserved Indifferent Silent Scared Sad
Happy Carefree Cocky Hilarious Excited Angry Sarcastic Antagonistic
Suspicious Insulting Profane Combative Sleepy

Talk: Form: Logical Conversational Illogical Rambling Nonsensical
Rate: Normal Over-talkative Under-talkative
Quality: Controlled Humorous Dramatic Forceful Shouting
Screaming Mumbling

Expression: Ideas of Being Persecuted Feels People are Watching him, talking about him Ideas of Grandeur
Strange or Bizarre Physical Complaints Very Self-Critical Hearing Voices Seeing Things
Homicidal Thoughts Suicidal Thoughts Unusual Sexual Ideas

Does patient Know Who He Is? (Yes No) Where He Is? (Yes No) Date? (Yes No) How He Feels? (Yes No)

General Knowledge: President? (Yes No) Governor? (Yes No) Mayor? (Yes No)

Pursuant to the provisions of SECTION 27-65-105, CRS, as amended, the respondent was taken into custody by the undersigned and detained for seventy-two hour treatment and evaluation at: _____(Designated or approved facility)

The respondent appears to be mentally ill and, as a result of such mental illness, appears to be an imminent danger [ ] To others [ ] or to himself/herself [ ] Or gravely disabled. The circumstances under which the undersigned believes there is probable cause leading to the above action are as follows:

_____

_____

_____

(Complete if Applicable) During the period of the seventy two hour hold the respondent was transferred to _____ (designated or approved facility) for evaluation and treatment.

List any property owned by subject which may be jeopardized by his/her detention:	Location:
	Location:
Signature:	SER./Colo. License NO:
Signature:	SER./Colo. License NO:

NOTICE TO RESPONDENT: Section 27-65-105(4), CRS, provides that if the evaluation and treatment facility to which you are admitted does not have evaluation and treatment services on Saturdays, Sundays or holidays, then the facility may exclude those days in calculating the seventy two hour detention period.

Livestock Inspection Report.pdf

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Montezuma County Sheriff's Office

UNIFORM REPORT OF LIVESTOCK TRANSPORTATION

LAST NAME	FIRST	MIDDLE	DOB	TYPE OF LIVESTOCK	DATE
				☐ CATTLE ☐ HORSES ☐ SHEEP ☐ _____	TIME

DRIVER'S LICENSE	STATE	HOME PHONE	EMPLOYER	ADDRESS	DIR. OF TRAV. N S E W	COUNTY

OCCUPATION	BUS. PHONE	LOCATION

VEH. LIC. NO.	STATE	TRLR. LIC. NO.	STATE

TRANSPORTING_____HEAD OF LIVESTOCK FROM_____

TO_____ DESCRIBED AS FOLLOWS:

STEERS	COWS	HEIFERS	BULLS	HORSES	SHEEP	BRAND	BRAND LOCATION

YOUR COMPLIANCE WITH THE FOLLOWING STATUTES IS NECESSARY

☐ 35-53-105, No Inspection
☐ 35-53-105, No shippers certificate
☐ 35-53-105, No written statement
☐ 35-53-117, No proof of ownership
☐ 35-53-122, No written permission to transport
☐ Other_____

☐ Your transportation is in compliance with Colorado law. YOUR COOPERATION IS APPRECIATED.

☐ It is necessary for you to contact your local Brand Inspector or the State Brand Office in Denver, at 303-294-0895, to insure future compliance with the Colorado livestock transportation Laws.

INFORMATION IN THIS REPORT COMPLIES WITH REQUIREMENTS OF CRS 35-53-105(4)(e)(f); 35-53-121; 35-53-122; AND 35-53-123 AS AMENDED. BY SIGNING BELOW THE DRIVER IN POSSESSION OF LIVESTOCK DESCRIBED HEREIN CERTIFIES THIS REPORT TO BE TRUE TO THE BEST OF HIS/HER KNOWLEDGE.

PURSUANT TO CRS 35-53-117 AND 35-53-125 AS AMENDED, THE ABOVE LIVESTOCK HAVE BEEN SEIZED AND IMPOUNDED AT

_____

PROOF OF OWNERSHIP MUST BE ESTABLISHED WITHIN TEN DAYS OF THIS REPORT, OR LIVESTOCK DESCRIBED HEREIN WILL BE HANDLED AS ESTRAYS AND SOLD PURSUANT TO CRS 35-53-119.

DRIVER'S SIGNATURE	OFFICER'S SIGNATURE	NO.	DISTRICT/TROOP	PATROL

REMARKS:

_____

_____

_____

VIOLATIONS	SUMMONS NO.	ARRESTED	CASE #
		☐ NO ☐ YES	
		☐ NO ☐ YES	
		☐ NO ☐ YES	

ORIGINAL-Agency YELLOW-Brand Inspector PINK-Vehicle Operator

Intox Subject Release2.pdf

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Montezuma County Sheriff's Office
Intoxicated Subject Release

Subject Name (Last, First MI)	DOB:	Case Number:

I understand that the above named person has been arrested for a drug or alcohol offense. I understand that the drug and/or alcohol consumption can impair divided attention tasks, balance, perception, and may require medical attention. I agree to take this person into my custody and will not allow him/her to drive a motor vehicle, operate machinery, walk along roadways or conduct any other activity that may be unsafe until after:

Date:	Time:

Responsible Person Name (Last, First MI)	DOB:	Phone Number:
Address (Street/P.O. Box):	City:	State & Zip:
Responsible Person Signature:		Date:
Arresting Officer Signature:	Last Name:	DSN:

Blood Alcohol Content of 0.001 to 0.08	Responsibility Time: 4 hours	❑
Blood Alcohol Content of 0.081 to 0.15 and/or marijuana	Responsibility Time: 8 hours	❑
Blood Alcohol Content of 0.15 and/or any other drug category	Responsibility Time: 12 hours	❑

MCSO Disciplinary Policy Misuse CJS Acknowledgment form.pdf

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MONTEZUMA COUNTY SHERIFF'S OFFICE

DISCIPLINARY POLICY REGARDING MISUSE OF FBI CRIMINAL JUSTICE INFORMATION

In support of Montezuma County Sheriff's Office mission of public service to the Montezuma County citizens, the Montezuma County Sheriff's Office provides the needed technological resources needed to personnel to access FBI CJIS systems and information in support of the agency's mission. All agency personnel, with access to FBI Criminal Justice Information (CJI) or any system with stored FBI CJI, have a duty to protect the system and related systems from physical and environmental damage and are responsible for correct use, operation, care and maintenance of the information. All technology equipment: computers, laptops, software, copiers, printers, terminals, MDTs, mobile devices, live scan devices, fingerprint scanners, software to include RMS/CAD, operating systems, etc., used to process, store, and/or transmit FBI CJIS is a privilege allowed by Montezuma County Sheriff's Office , state CSO, and the FBI. To maintain the integrity and security of the Montezuma County Sheriff's Office and FBI's CJIS systems and data, this computer use privilege requires adherence of relevant federal, state and local laws, regulations and contractual obligations. All existing laws and Montezuma County Sheriff's Office regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply to personal conduct.

Misuse of computing, networking or information resources may result in temporary or permanent restriction of computing privileges up to employment termination. In some misuse situations, account privileges will be suspended to prevent ongoing misuse while under investigation. Additionally, misuse can be prosecuted under applicable statutes. All files are subject for search. Where follow-up actions against a person or agency after an information security incident involves legal action (either civil or criminal), the evidence shall be collected, retained, and presented to conform to the rules for evidence laid down in the relevant jurisdiction(s). Complaints alleging misuse of Montezuma County Sheriff's Office computing and network resources and FBI CJIS systems and/or data will be directed to those responsible for taking appropriate disciplinary action.

Examples of Misuse with access to FBI CJI

1. Using someone else's login that you are not the owner.
2. Leaving computer logged in with your login credentials unlocked in a physically unsecure location allowing anyone to access Montezuma County Sheriff's Office systems and/or FBI CJIS systems and data in your name.
3. Allowing unauthorized person to access FBI CJI at any time for any reason. Note: Unauthorized use of the FBI CJIS systems is prohibited and may be subject to criminal and/or civil penalties.
4. Allowing remote access of Montezuma County Sheriff's Office issued computer equipment to FBI CJIS systems and/or data without prior authorization by Montezuma County Sheriff's Office.
5. Obtaining a computer account that you are not authorized to use.
6. Obtaining a password for a computer account of another account owner.
7. Using the Montezuma County Sheriff's Office network to gain unauthorized access to FBI CJI.
8. Knowingly performing an act which will interfere with the normal operation of FBI CJIS systems.
9. Knowingly propagating a computer virus, Trojan horse, worm and malware to circumvent data protection or compromising existing security holes to FBI CJIS systems.
10. Violating terms of software and / or operating system licensing agreements or copyright laws.
11. Duplication of licensed software, except for backup and archival purposes that circumvent copyright laws for use in Montezuma County Sheriff's Office, for home use or for any customer or contractor.

APPROVED BY: Sheriff Steven D. Nowlin Effective Date:06/01/24

12. Deliberately wasting computing resources to include streaming audio, videos for personal use that interferes with Montezuma County Sheriff's Office network performance.
13. Using electronic mail or instant messaging to harass others.
14. Masking the identity of an account or machine.
15. Posting materials publicly that violate existing laws or Montezuma County Sheriff's Office codes of conduct.
16. Attempting to monitor or tamper with another user's electronic mail or files by reading, copying, changing, or deleting without explicit agreement of the owner.
17. Using Montezuma County Sheriff's Office technology resources to advance unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.
18. Unauthorized possession of, loss of, or damage to Montezuma County Sheriff's Office technology equipment with access to FBI CJI through unreasonable carelessness or maliciousness.
19. Maintaining FBI CJI or duplicate copies of official Montezuma County Sheriff's Office files in either manual or electronic formats at his or her place of residence or in other physically non-secure locations without express permission.
20. Using Montezuma County Sheriff's Office technology resources and/or FBI CJIS systems for personal or financial gain.
21. Deliberately failing to report promptly any known technology-related misuse by another employee that may result in criminal prosecution or discipline under this policy.
22. Using personally owned devices on Montezuma County Sheriff's Office network to include personally-owned thumb drives, CDs, mobile devices, tablets on wifi, etc. Personally owned devices should not store Montezuma County Sheriff's Office data, State data, or FBI CJI.

The above listing is not all-inclusive and any suspected technology resource or FBI CJIS system or FBI CJI misuse will be handled by Montezuma County Sheriff's Office on a case by case basis. Activities will not be considered misuse when authorized by appropriate Montezuma County Sheriff's Office officials for security or performance testing.

Privacy Policy

All agency personnel utilizing agency-issued technology resources funded by Montezuma County Sheriff's Office expressly acknowledges and agrees that such service, whether for business or personal use, shall remove any expectation of privacy. Use of Montezuma County Sheriff's Office systems indicates consent to monitoring and recording. The Montezuma County Sheriff's Office reserves the right to access and audit any and all communications including electronic and physical media at rest, in transit and at end of life. Montezuma County Sheriff's Office personnel shall not store personal information with an expectation of personal privacy that are under the control and management of Montezuma County Sheriff's Office .

Personal Use of Agency Technology

The computers, electronic media and services provided by Montezuma County Sheriff's Office are primarily for business use to assist personnel in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

MONTEZUMA COUNTY SHERIFF'S OFFICE

DISCIPLINARY POLICY REGARDING MISUSE OF FBI CRIMINAL JUSTICE INFORMATION

Misuse Notification

Due to the increase in the number of accidental or malicious computer attacks against both government and private agencies, Montezuma County Sheriff's Office shall: (i) establish an operational incident handling capability for all information systems with access to FBI CJIS systems and data. This includes adequate preparation, detection, analysis, containment, recovery, and user response activities; (ii) track, document, and report incidents to appropriate agency officials and/or authorities.

ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level. All personnel are responsible to report misuse of Montezuma County Sheriff's Office technology resources to appropriate Montezuma County Sheriff's Office officials.

Local contact-LASO: jmcclain@co.montezuma.co.us Phone: 970 564-4168

Agency Coordinator: hmann@so.montezuma.co.us Phone: 970 564-4965

thill@so.montezuma.co.us Phone: 970 564-4978

State contact-CSA ISO: rbutler@state.co.us Phone: 303 239-4222

I have read the policy and rules above and I will abide in the Montezuma County Sheriff's

Office Misuse Disciplinary policy. Signature:

_____ Date: _____/20____

APPROVED BY: Sheriff Steven D. Nowlin Effective Date: 06/01/24

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